

Bay Area Energy Centers Project Distribution

	Info	Action	Route	
Project Management	/			Ken Abreu
				Jim Leahy
	/			Nick LaPorte <i>w/o</i>
Engineering				Jim Dunstan
				Dick Stanley
				Wayne Icenhower
				Pete Mason
				Jon Maring
				Mel Campbell
				Jim Kimura
	/			Kristen Sipes
Environmental	/			Steve DeYoung
				Andrea Grenier
Cost and Schedule				Ray Maalouf
Administration				Katie Purcell
				Marrianna Isaacs
				Gladys Guerrero
Public Relations				Lisa Poelle
				Jerry Strangis
Legal				Mark Said
				Nancy Murray
Project File				Joint Development
	/			Pittsburg (DEC)
				Metcalf (MEC)
				No. San Jose (NSJ)
				Tri-Valley (TVEC)
				Russell City (RCEC)

Chron No.: M-06022

Doc. Date 12-14-01

Rec'd. Date 12-14-01

File No. 5.2.16

ACTION REQUIRED:

☐ Yes ☒ No

DUE DATE: _____

Subject/Comments:

*MEC Monthly
Compliance Report No. 2*

CC:



CALPINE

WESTERN REGION OFFICE
4160 DUBLIN BOULEVARD
DUBLIN, CALIFORNIA 94568
925.479.6600
925.479.7300 (FAX)

December 14, 2001

Mr. Steve Munro, Compliance Project Manager
California Energy Commission
1516 9th Street, MS 2000
Sacramento, CA 95814

**Subject: Metcalf Energy Center 99-AFC-3
Monthly Compliance Report #2**

Dear Mr. Munro:

In accordance with the CEC Commission Decision, enclosed please find a Monthly Compliance Report (Report), Key Events List and Compliance Matrix for the Metcalf Energy Center. This report is for the period beginning November 1 and ending November 30, 2001.

The Report lists those Conditions of Certification that require submittal with the Monthly Compliance Report as stated in the Commission Decision. These submittals are listed in the Report and are attached.

A copy of this report is also being submitted to the library nearest the project site, Santa Teresa Branch Library, as required in the Commission Decision.

If you have any questions please call me at (925) 479-6680.

Sincerely,

Kristen Sipes
Environmental Compliance Manager
METCALF ENERGY CENTER

Enclosures

cc: Ken Abreu, Calpine
Steve DeYoung, Calpine
Nick LaPorte, Calpine

**Metcalf Energy Center
99-AFC-2**

**Monthly Compliance Report #2
November 1 –November 30, 2001**

1. Project construction status

A clean up of Fisher Creek and Tulare Hill occurred November 1st through November 16th. A complete report can be found in the summary of monthly biological activities. Daily logs are available for review.

Top Grade was given the Worker Environmental Awareness Training on November 28th in anticipation of mobilization for the Blanchard Road and Monterey Road work. Stockpiling of materials (grindings) occurred on the same day. Due to a delay in receiving the final permit from the City of San Jose, this work did not start in November as expected.

Calpine will no longer be working with Bechtel on any aspect of the project. Calpine has finalized agreements with Mortenson to act as the General Contractor and Burns and Roe Enterprises for engineering.

Activities planned for next month:

The completion of the Blanchard Road/Monterey Road intersection and the ramp that will run parallel to Monterey Road, north of Blanchard Road will begin in December. Construction duration will last approximately 4 to 6 weeks. Top Grade has been contracted for this portion of the project.

Site mobilization is expected to occur in December. Activities will be limited to those listed in the letter dated October 12, 2001 from the CEC authorizing pre-construction activities. A contract with Top Grade is being finalized for these pre-construction site mobilization activities.

A community meeting will be held Thursday December 6th at Encinal Elementary School to provide an update on the status of project construction. The meeting will be noticed in the Public Notice section of the San Jose Mercury News. Flyers will be distributed to residents and business owners of Coyote as well as San Jose City Councilperson Forrest Williams office.

2. Documents required to be submitted with Monthly Compliance Report

AQ-48	Summary of monthly activities related to the Fugitive Dust Control Plan is attached.
BIO-2	Summary of Designated Biologist's written records is attached.
BIO-6	Training conducted on 11/28/01 to Top Grade and Calpine staff.

CUL-5	Training conducted on 11/28/01 to Top Grade and Calpine staff (attached).
CUL-7	A construction schedule has not been finalized.
CUL-8	A summary report is attached.
PAL-3	Training conducted on 11/28/01 to Top Grade and Calpine staff (attached).
PAL-4	No paleo activities have occurred.
LAND-1	There is no update on trail developments.
SOCIO-1	List of planned procurement of materials and hiring outside the local regional area is attached.
GEN-3	Copy of CBO's receipt of payment
WASTE-1	Hazardous waste generator identification number received (CAR000096156). Letter attached.

3. Compliance matrix

A Compliance Matrix is attached. The matrix includes the status of pre-mobilization and pre-construction Conditions of Certification.

4. Conditions that have been satisfied during (or prior to) the reporting period

MILESTONES	Milestones were approved.
BIO-6	Training video script approved.
CUL-4	Revised WEAT handbook submitted (approved in December).

5. Submittal deadlines not met

There are no outstanding pre-mobilization submittals.

6. Approved COC changes

To date there have been no approved changes to the Conditions of Certification.

7. Filings or permits with other agencies

None

8. Projection of project compliance activities for next two months (Dec.-Jan.)

AQ-40	Demonstrate valid emission reduction credits
AQ-41 and 51	Surrender emission reduction credits
AQ-48	Will follow dust mitigation measures
AQ-49 and 50	Dust will be monitored and activities recorded
WORKER SAFETY-1	Will submit Mortenson's Construction Safety and Health Plan
WASTE-6	Will submit Hazardous Materials form to Santa Clara County
NOISE-1	A sign with the telephone number (hotline) will be posted at the site
CUL-4	Training video will be submitted for approval
CUL-5	Training will be provided as needed
CUL-7	Will submit weekly schedule to resource specialists

CUL-8	Cultural specialist will perform required duties when necessary
CUL-9	Cultural specialist will perform required duties when necessary
BIO-2	Biologist will perform required duties when necessary
BIO-6	Training will be provided as needed Training video will be submitted for approval
BIO-7	Submittal of permit application to Department of Fish and Game to install stormwater outfall
BIO-9	Submittal of permit application to U.S. Army Corps of Engineers to install stormwater outfall
SOIL/WATER-7	Submittal of permit application to Regional Water Quality Control Board to install stormwater outfall
PAL-3	Training will be provided as needed Training video will be submitted for approval
PAL-4	Paleo specialist will perform required duties when necessary
VIS-5	Will resubmit drawing of long-term Monterey Road landscape plan to demonstrate that the landscaping will be installed in a phased approach.

9. Additions to on-site compliance file

None

10. Requests to dispose of items

None

11. Listing of complaints, notices of violations, official warnings, and citations

Attached

12. List of facility design submittals, comments and approvals to CBO

Please see attached CBO matrix for detailed submittal list.

KEY EVENTS LIST

METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT #2

KEY EVENTS LIST

PROJECT: Metcalf Energy Center **DATE ENTERED:** November 14, 2001

DOCKET #: 99-AFC-3 **PROJECT MANAGER:** Nick LaPorte

Event Description	Date Assigned
Date of Certification	September 24, 2001
Start Rough Grading	May 3, 2002
Complete Rough Grading	August 1, 2002
Start of Construction	November 4, 2002
Completion of Construction	January 5, 2004
Start of Operation (1 st Turbine Roll)	May 3, 2004
Start of Rainy Season	Mid-October
End of Rainy Season	Mid-March
Start T/L Construction	January 13, 2003
Complete T/L Construction	November 14, 2003
Start Fuel Supply Line Construction	September 3, 2002
Complete Fuel Supply Line Construction	September 5, 2003
Start of Water Supply Line Construction	April 1, 2002
Completion of Water Supply Line Construction	November 1, 2002
Start Implementation of Erosion Control Measures	May 3, 2002
Complete Implementation of Erosion Control Measures	June 1, 2004

CONDITION OF CERTIFICATION AQ-48

METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT #2

AQ-48: Summary of monthly activities related to the Fugitive Dust Control Plan

The access road that runs from Blanchard Road north to the project site (and is parallel to Monterey Road) was watered to prevent fugitive dust from leaving the site. The road was watered with a water truck on the following dates:

Date	Frequency
11/4/01	1 time per day

CONDITION OF CERTIFICATION BIO-2

METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT #2

METCALF ENERGY CENTER

MONTHLY COMPLIANCE REPORT

FOR NOVEMBER 2001

METCALF ENERGY CENTER

BIOLOGICAL MITIGATION MONITORING

Summary from Designated Biologist, November 2001

Site activity included a meeting with Steve DeYoung (Calpine), Kristen Sipes (Calpine), Art Gonzales (Calpine) to discuss issues associated with clean-up of the MEC Ecological Preserve. The Designated Biologist and Co-Designated Biologist remained onsite to delineate the cattle exclusion fence around riparian and spring-feed wetland areas of the Ecological Preserve. The Co-Designated Biologist made an additional visit to the site to observe the results Preserve cleanup and inspect the fence installation.

There were no site construction activities associated with the Metcalf Energy Center (MEC) plant during November, 2001.

A non-compliance occurred when the Site Supervisor allowed contractors to continue cleanup activities within the MEC Ecological Preserve without notifying the Biological Monitor. The Biological Monitor is supposed to be on site during any work within potentially sensitive areas. After the issue was identified, the Biological Monitor immediately notified the Designated Biologist. The incident was then discussed with the Compliance Manager and the Site Supervisor. The following day, the Biological Monitor resolved the non-compliance by reissuing the environmental training to the cleanup crew emphasizing the requirement for the monitor's presence in any potentially sensitive areas.

Biological Resources
Mitigation Monitoring for the
Metcalf Energy Center

MONTHLY COMPLIANCE REPORT #2

November 2001

Prepared by:

CH2M HILL

2485 Natomas Park Drive, Suite 600

Sacramento, California 95833

Biological Resources Mitigation Monitoring for the Metcalf Energy Center

Monthly Compliance Report-November 2001

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- E) WEAT Affidavits
- F) Compliance Verification Report

METCALF ENERGY CENTER

MONTHLY COMPLIANCE REPORT

November 2001

INTRODUCTION

The proposed Metcalf Energy Center (MEC) site is located in the Santa Clara Valley within the Urban Service Area of south San Jose. The MEC will be a 600-megawatt natural-gas-fired combined cycle power plant with the following features:

- A 230-kilovolt (kV) switchyard and approximately 240 feet of new 230-kV transmission line that will loop into the existing Pacific Gas and Electric (PG&E) 230-kV Metcalf-Monta Vista No. 4 transmission on Tulare Hill.
- An approximately one mile, 16-inch natural gas pipeline that will connect to an existing PG&E transmission backbone pipeline that runs along the eastern side of U.S. 101.
- An approximately 10.2-mile water pipeline from a tap into the South Bay Water Recycling Program's (SBWR) existing main pipeline in eastern San Jose will be used for cooling water.
- An approximately 1.2-mile water pipeline will supply domestic and backup water supplies.
- A stormwater detention basin and discharge outfall structure to Fisher Creek.
- A new access road from Monterey Road at the Blanchard Road junction and visual screening and landscape corridor along the new access road that will require 6 acres of agricultural land south of the MEC site.
- A second access road (west access road) may extend from Santa Teresa Boulevard to the MEC site that will require 2.0 acre of agricultural land.
- A temporary 10-acre construction laydown area would be located in agricultural land south of the MEC site.

The project was designed to avoid significant negative impacts to sensitive biological resources to the furthest extent feasible. Mitigation measures were developed through consultation with the U. S. Fish and Wildlife Service, U. S. Army Corps of Engineers, National Marine Fisheries Service, California Department of Fish and Game, and Water Quality Control Board to minimize unavoidable project impacts. Permits and authorizations from these agencies included conditions that must be monitored by the Designated Biologist. The Biological Monitor will be present onsite during all phases of construction to ensure compliance with the mitigation measures outlined in the *Biological Resources Mitigation Implementation and Monitoring Plan* (BRMIMP). The following report includes all MEC project activities monitored during November 2001.

MONITORED MITIGATION MEASURES

A Worker Environmental Awareness Training (WEAT) program has been developed exclusively for the MEC project. Program materials include a handbook, video, and poster. During November, additional edits and revisions were performed on the WEAT materials in anticipation of site mobilization. On November 28, 2001, the WEAT was presented in-person to a group of contractors. The WEAT was completed and administered as required by BIO-6 of the "Conditions of Certification"(COC) from the CEC *Commission Decision*.

COC BIO-5 requires provisions associated with the restoration of the Fisher Creek riparian corridor. Restoration and enhancement activities that began in October, were completed in November.

In compliance with COC BIO-13, biologists examined and cleared the restoration areas for special-status and native wildlife species immediately prior to the cleanup activities. No site construction or contractor work was performed in November. The Monitor was available throughout the month to respond to biological issues as needed. November activities are described below.

SUMMARY OF ACTIVITIES

This report includes project activities that took place during November 2001. November activities included cleanup of Fisher Creek and the Tulare Hill portions of the Metcalf Ecological Preserve, installation of a cattle exclusion fence, and the presentation of the WEAT program to onsite personnel. These activities are described below. Relevant photographs are included in Attachment A. A cumulative wildlife species list is included in Attachment B. Copies of the Biological Monitor's daily logs are included in Attachment C.

Metcalf Ecological Preserve Cleanup

The Metcalf Ecological Preserve includes portions of Fisher Creek and the southeastern slope of Tulare Hill. Due to past land uses, human debris, such as wood and metal scraps, are found scattered throughout these Preserve areas.

Cleanup of the Preserve commenced on November 1, 2001 and was completed on November 15, 2001. The work was performed by Precision Trades. The BM presented an informal environmental training session to all involved personnel prior to initiation of the cleanup. The contractor used a small rubber-tired excavator, two dump trucks, and large to mid-sized pickup trucks to complete the task. Removed debris included old lumber, tires, water pipes, metal debris, old barbed-wire fence, dilapidated vehicles, and random trash. The equipment accessed the areas via an existing dirt service road, and was staged in previously disturbed areas. Debris outside of these areas was accessed on foot. Hand labor was utilized in sensitive resource areas including the spring and wetland areas of Tulare Hill and within Fisher Creek.

Work was conducted under the conditions presented in the BRMIMP and the Streambed Alteration Agreement (SAA) issued by the California Department of Fish and Game. The stipulations of the SAA required the request for a work period extension. The cleanup efforts were successful but included an incident of biological non-compliance. The cleanup efforts and associated non-compliance are further described in the *Cleanup of the Metcalf Energy Center Ecological Preserve* report included in Appendix D. Photographs of the cleanup effort are included in Appendix A.

Cattle Fence Installation

Management of Tulare Hill includes the use of cattle to control the growth of non-native grasses. Therefore, a property fence is required around the 116-acre portion of the Preserve. In addition, exclusion fences are to be installed to keep the cattle out of Fisher Creek, riparian enhancement areas, wetlands, and springs. (Refer to Figure 1 in Appendix D.) Fence installation commenced in November by cleanup contractor, Precision Trades. The BM presented an informal environmental training session to all involved personnel prior to initiation of fence installation.

On November 17, 2001, Calpine, Eric Flippo, and the Biological Monitor met at the Metcalf Energy Center site and discussed access to the proposed property fence line over Tulare Hill. They discussed use of the Pacific Gas and Electric Company's (PG&E) existing service road paralleling the Ecological Preserve property line to access the fence line. At locations where the access road parallels the fence line at distances greater than 500 feet, the contractor requested the use of a 4-wheel ATV to facilitate the transport of materials. Materials needed for the fence installation included 50-lb bags of cement, tools, and fence posts. The Designated Biologist and Project Biologist approved a request by Calpine for one off-road access route. The route was established and cleared by the BM prior to use. Use restrictions were established to limit potential ground disturbance.

On November 20, 2001, the contractor began installation of the property and exclusion fences. Load bearing poles were installed first, followed by t-posts. A hand auger was used to drill the larger pole holes. The load bearing poles were reinforced with concrete and support braces. T-posts were driven into the ground by hand. During fence installation, the Biological Monitor performed clearance surveys for butterfly larvae on Tulare Hill. No special-status species were observed. Photographs of fence installation are included in Appendix A.

On November 21, 2001, rancher, Justin Fields visited the site. The Designated Biologist originally set aside two locations as potential corralling areas for cattle. One site is located on the south side of Tulare Hill and the other near the northern boundary of the Ecological Preserve adjacent to PG&E's property boundary. Mr. Fields decided that the northern location was not large enough to facilitate corralling of 10-15 head of cattle. He preferred the southern corral option. The preferred access to the southern area will be from Santa Teresa Boulevard through Coyote Valley Research Park (CVRP) property. CVRP access has yet to be granted. Alternative access may be permitted from the north through the enhancement areas.

Fence installation will continue in December 2001.

WORKER ENVIRONMENTAL AWARENESS TRAINING

On November 28, 2001, the first formal Worker Environmental Awareness Training (WEAT) was held at the local Grange Hall. In the absence of the yet to be completed training video, the program was presented by project's biology, cultural, and paleontological specialists. The program included distribution of WEAT handbooks, individual presentations, and a question and answer period. Thirteen people attended the session. Signed affidavits are included in Appendix E.

NON-COMPLIANCE

The aforementioned non-compliance was issued by the Biological Monitor on November 13, 2001 for actions that took place on the preceding day. The incident was in association with the described cleanup activities. Of primary concern, Calpine failed to notify the Biological Monitor of work activities planned for November 12, 2001. Cleanup activities continued that day without the presence of the Biological Monitor. In the monitor's absence, the contractor removed several limbs from a riparian valley oak (*Quercus lobata*). The tree was trimmed in order to provide clearance for large cleanup equipment. If present, the monitor would have suggested alternative actions to the pruning activities. November 12th activities were also performed in rainy weather, which due to the forecasted weather, the dirt access road became muddy and impassable. As a result, a dump truck had to be parked overnight within the 100-foot riparian corridor setback zone. The non-compliance incident was resolved the following day with the reissue of environmental training with emphasis on explaining the role of the Biological Monitor. The incident is further explained in the *Cleanup of the Metcalf Energy Center Ecological Preserve* report included in Appendix D and the *Compliance Verification Report* included in Appendix F.

GENERAL NOTES AND OBSERVATIONS

On November 26, 2001, the Project Biologist and Biological Monitor found a dead mourning dove (*Zenaida macroura*) on Tulare Hill under the PG&E transmission line. The individual may have been killed by electrocution or collision with the overhead transmission lines or towers. The Biological Monitor will continue to perform periodic surveys under the transmission line corridor in order to provide baseline information regarding existing bird mortality on Tulare Hill. This information will augment dead bird studies following with the installation of project-related electrical transmission lines.

The Project Biologist and Biological Monitor also collected a clamshell in the Ecological Preserve On November 26th. The shell had been unearthed by the hand auger during fence installation on the Fisher Creek levee. On November 28, 2001, the shell was given to Lanny Fisk (Designated Paleontologist) and Colin Busby (Designated Cultural Resource Specialist) for inspection. Mr. Fisk and Mr. Busby, concluded that the shell was not of paleontological or cultural significance. The Biological Monitor returned the shell to it's original location.

The November 12th incident was the first non-compliance for the MEC project. The incident reinforced the importance of the BM's presence and involvement in daily activities as well as the importance of the Worker Environmental Awareness Training.

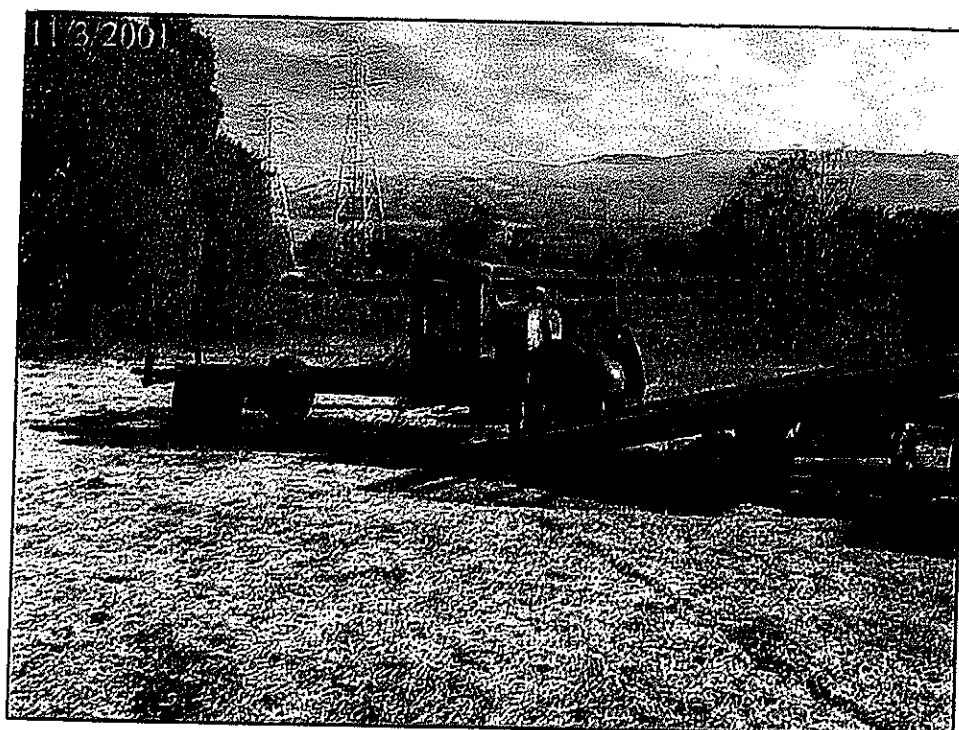
The first significant rain of the season occurred in November, emphasizing the need to implement and maintain erosion control devices throughout the project site. The Biological Monitor will continue to ensure the adequacy of existing control measures and will recommend the need for additional measures when needed.

APPENDIX A

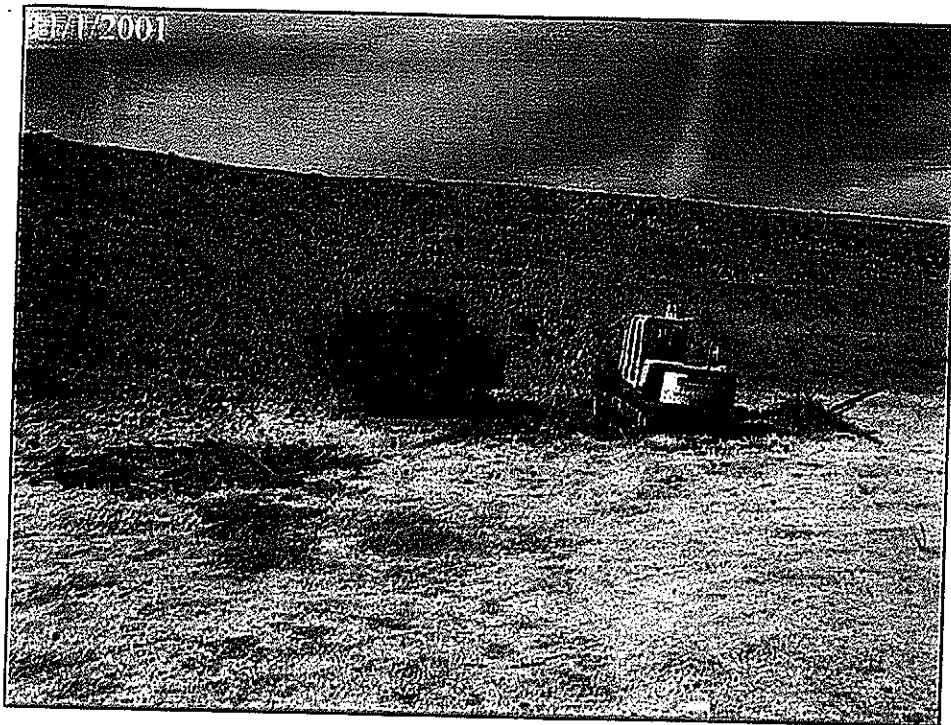
Photographs



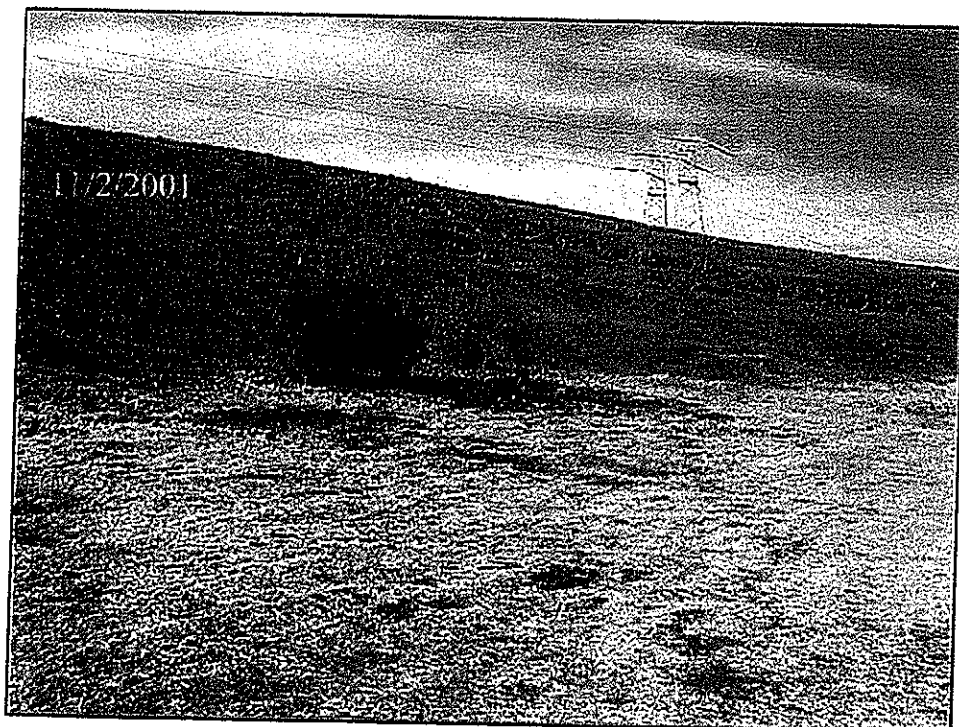
Cleanup of Fisher Creek



Removal of Old Vehicles



Cleanup of Tulare Hill



Post-Cleanup



Fence Installation



Fence Installation



Cut Limbs of Valley Oak

APPENDIX B

Cumulative Wildlife Species Observed in or Near the Project Area

**Cumulative Wildlife Species Observed In or Near the Metcalf Energy Center Project
and Linear Facilities Area (May 2001 to November 30, 2001)**

Common Name	Scientific Name	Location
INSECTS		
Cabbage white butterfly	<i>Pieris rapae</i>	EC
Buckeye butterfly	<i>Precis coenia</i>	TH
Painted lady butterfly	<i>Vanessa cardui</i>	EC
Tarantula	<i>Eurypelma californicum</i>	TH
AMPHIBIANS AND REPTILES		
Pacific tree frog	<i>Hyla regilla</i>	TH
Arboreal salamander	<i>Aneides lugubris</i>	TH
Western fence lizard	<i>Sceloporus occidentalis</i>	EC, TH
Side-blotched lizard	<i>Uta stansburiana</i>	EC
Southern alligator lizard	<i>Elgaria multicarinata</i>	EC, TH
Western skink	<i>Eumeces skiltonianus</i>	TH
Gopher snake	<i>Pituophis melanoleucus</i>	EC
BIRDS		
Double-crested cormorant	<i>Phalacrocorax auritus</i>	CC*
Great blue heron	<i>Ardea heroides</i>	FC
Green heron	<i>Butorides virescens</i>	FC
Great egret	<i>Casmerodius albus</i>	FC
Canada goose	<i>Branta canadensis</i>	EC*
Mallard	<i>Anas platyrhynchos</i>	FC
Wood duck	<i>Aix sponsa</i>	FC
Killdeer	<i>Charadrius vociferus</i>	LA, LEA*
Black-shouldered kite	<i>Elanus caeruleus</i>	FC
Northern harrier	<i>Circus cyaneus</i>	FC, TH
Turkey vulture	<i>Cathartes aura</i>	EC*, TH
Golden eagle	<i>Aquila chrysaetos</i>	TH
Osprey	<i>Pandion heliaetus</i>	CC*, TH, EC, FC
Cooper's hawk	<i>Accipiter cooperii</i>	CC, EC*, FC
Red-shouldered hawk	<i>Buteo lineatus</i>	EC, FC
Red-tailed hawk	<i>Buteo jamiacensis</i>	EC, FC, GP, TH, TL
American kestrel	<i>Falco sparverius</i>	EC, TH
Prairie falcon	<i>Falco mexicanus</i>	TH
Location: CC = Coyote Creek Riparian Corridor EC = Metcalf Energy Center Plant Site FC = Fisher Creek Riparian Corridor GP = Gas Pipe Line Corridor LA = Laydown Area TH = Tulare Hill Ecological Preserve TL = Transmission Line Corridor WL = Water Line Corridor LEA = Proposed laydown expansion area		
Notes: * Flyover or otherwise not utilizing area resources. ** Non-active sign (i.e. carcass, feather, nest)		

**Cumulative Wildlife Species Observed In or Near the Metcalf Energy Center Project
and Linear Facilities Area (May 2001 to November 30, 2001) (Continued)**

Common Name	Scientific Name	Location
BIRDS (continued)		
Mourning dove	<i>Zenaida macroura</i>	EC, FC, TH, TL
Rock dove	<i>Columba livia</i>	EC*, TH*
Anna's hummingbird	<i>Calypte anna</i>	TH
Hummingbird sp.		EC, TH
Belted kingfisher	<i>Ceryle alcyon</i>	FC
Northern flicker	<i>Colaptes auratus</i>	EC, FC
Nuttall's woodpecker	<i>Picoides nuttallii</i>	FC
Downy woodpecker	<i>Picoides pubescens</i>	EC, FC
Black phoebe	<i>Sayornis nigricans</i>	EC, FC, TL, LEA
Say's phoebe	<i>Sayornis saya</i>	LEA
Western scrub-jay	<i>Aphelocoma californica</i>	EC, FC, LEA
Common raven	<i>Corvus corax</i>	EC, TH, FC
Oak titmouse	<i>Baeolophus inornatus</i>	FC
Bushtit	<i>Psaltiriparus minimus</i>	EC, FC, GP, TL
White-breasted nuthatch	<i>Sitta carolinensis</i>	FC
Bewick's wren	<i>Thryomanes bewickii</i>	FC, TH
Rock wren	<i>Salpinctes obsoletus</i>	FC, TH
Northern mockingbird	<i>Mimus polyglottos</i>	EC
European starling	<i>Strunus vulgaris</i>	LEA, FC, EC
California towhee	<i>Pipilo crissalis</i>	EC
White-crowned sparrow	<i>Zonotrichia leucophrys</i>	EC
Song sparrow	<i>Melospiza melodia</i>	EC, LA, LEA
Western meadowlark	<i>Sturnella neglecta</i>	EC, LA
Red-winged blackbird	<i>Agelaius phoeniceus</i>	FC
Brewer's blackbird	<i>Euphagus cyanocephalus</i>	FC, EC
Dark-eyed junco	<i>Junco hyemalis</i>	FC, TH
House finch	<i>Carpodacus mexicanus</i>	EC
American goldfinch	<i>Carduelis tristis</i>	LEA
Lesser goldfinch	<i>Carduelis psaltria</i>	EC, FC
House sparrow	<i>Passer domesticus</i>	EC, FC
Location: CC = Coyote Creek Riparian Corridor EC = Metcalf Energy Center Plant Site FC = Fisher Creek Riparian Corridor GP = Gas Pipe Line Corridor LA = Laydown Area TH = Tulare Hill Ecological Preserve TL = Transmission Line Corridor WL = Water Line Corridor LEA = Proposed laydown expansion area		
Notes: * Flyover or otherwise not utilizing area resources. ** Non-active sign (i.e. carcass, feather, nest)		

**Cumulative Wildlife Species Observed In or Near the Metcalf Energy Center Project
and Linear Facilities Area (May 2001 to November 30, 2001) (Continued)**

Common Name	Scientific Name	Location
MAMMALS		
Striped skunk	<i>Mephitis mephitis</i>	TH**
Opossum	<i>Didelphis marsupialis</i>	EC
Coyote	<i>Canis latrans</i>	TH
Feral cat	<i>Felis catus</i>	EC
California ground squirrel	<i>Spermophilus beechyi</i>	EC, FC, TH, TL
Western gray squirrel	<i>Sciurus griseus</i>	FC
Unidentified mouse	<i>Peromyscus spp.</i>	TH
Norway Rat	<i>Rattus norvegicus</i>	EC
Black-tailed jackrabbit	<i>Lepus californicus</i>	EC
Mule deer	<i>Odocoileus hemionus</i>	FC, GP
Location: CC = Coyote Creek Riparian Corridor EC = Metcalf Energy Center Plant Site FC = Fisher Creek Riparian Corridor GP = Gas Pipe Line Corridor LA = Laydown Area TH = Tulare Hill Ecological Preserve TL = Transmission Line Corridor WL = Water Line Corridor LEA = Proposed laydown expansion area		
Notes: * Flyover or otherwise not utilizing area resources. ** Non-active sign (i.e. carcass, feather, nest)		

APPENDIX C

Daily Logs

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CA

Date 11/1/01

Name Todd Ellwood

Weather Dense fog - a.m.; clearing skies through afternoon (70's)

Nature of Work Ecological Preserve clean-up

Hours worked

Contractor Independent -- Eric Flippo

Field Notes

Met this morning at 7:00 a.m. with Art Gonzales (Calpine) and the contractor (Eric Flippo) at the MEC site. Calpine has the authorization to start clean-up inside the Ecological Preserve including areas around the wetland and springs of Tulare Hill. Calpine has not received the extended permit from CDFG (SAA) to work within the bed and banks of Fisher Creek.

Previously, debris located in the wetland and spring was removed by John Cleckler (Project Biologist) and I. We thought that less impact would occur from our efforts rather than from several laborers of the contractor.

I administered the WEAT program to 5 laborers working today. I stressed the importance of avoiding sensitive resource areas including the wetland and Fisher Creek.

The men are hand carrying the debris off from Tulare Hill. An excavator is loading the piled debris into an 8 cubic yard dump truck. This equipment entered the preserve using the PG&E access road which passes through Fisher Creek from the MEC site. All equipment stayed on previously disturbed areas. The operator of the excavator is using caution ~~time~~ while using the machine so as to not cause excessive top soil displacement. This includes removing smaller debris by hand. Some small sized debris (lumber) will remain on site to provide cover habitat for wildlife.

Signed Todd Ellwood

Title Biological Monitor

Signed

Date 11/1/01

DAILY LOG (cont.)

PROJECT MEC

Date 11/1/01

Name Todd Ellwood

Page 2

The men are also avoiding the wetland and springs. The debris embedded in the wetland will remain there. During creek crossings by the equipment, extra caution is practiced to minimize disturbance to the bed and banks of Fisher creek. This will, in turn, keep turbidity levels down below 50 NTUs above base levels. (SAA condition)

WILDLIFE OBSERVED
(11/1/2001)

SPECIES	LOCATION
BIRDS	
golden eagle	TH
bush tit	TH
western scrub jay	TH
unidentified hummingbird	TH
belted kingfisher	FC
mourning dove	TH
common raven	EC
MAMMALS	
unidentified mouse	TH
INSECTS	
tarantula	TH
REPTILES & AMPHIBIANS	
unidentified lizard	TH
pacific tree frog	TH

Location:

Tulare Hill: TH

Fisher creek riparian corridor: FC

Energy Center footprint: EC

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CA

Date 11/2/01

Name Todd Ellwood

Weather Clear skies

Nature of Work Ecological Preserve Clean-up

Hours worked _____

Contractor Independent (Eric Flippe)

Field Notes _____

Continued with clean-up on Tulare Hill and around the wetland. The contractor avoided the wetland and springs and Fisher Creek. The excavator loaded the dump trucks with large debris and metal scrap. The laborers hand-removed the smaller debris. All of the pipe was removed from near the springs. The contractor used a cordless Saws-all. One ~~len~~ The pipe was cut off at ground level. One pipe remains to be removed when the Saws-all is recharged.

Approx. 95% of the debris has been removed from the 1st enhancement area. No environmental concerns today. Clean-up stopped at approx. 2:30 p.m.

Tomorrow, a tow-truck company will be here to remove all three vehicles from the Ecological Preserve. Art Gonzales (Carpine) and I will be here.

Kristen Sipes (Environmental Compliance Manager) visited today at 1:45 p.m.

Signed _____

Title Biological Monitor

Signed _____

Date 11/2/01

**WILDLIFE OBSERVED
(11/2/2001)**

SPECIES	LOCATION
BIRDS	
Black phoebe	TH
downy woodpecker	FC
rock dove	EC*
unidentified hummingbird	TH
belted kingfisher	FC
Say's phoebe	TH (near spring)
great egret	FC
osprey	FC*
red-tailed hawk	TH
mallard	FC
dark-eyed junco	FC
brewer's blackbird	LA
white-crowned sparrow	EC
MAMMALS	
unidentified mouse	TH (near wetland)
INSECTS	
N/A	
REPTILES/AMPHIBIANS	
Southern alligator lizard	TH (under debris near wetland)
western skink	TH (under debris)(

Location:

Tulare Hill: TH

Fisher creek riparian corridor: FC

Energy Center footprint: EC

Laydown Area: LA

Notes:

* not utilizing nearby resources (flyby)

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CA

Date 11/3/01 Name Todd Ellwood

Weather Clear skies 80's

Nature of Work Ecological Preserve Clean-up

Hours worked _____

Contractor Tow-truck company.

Field Notes _____

Met Art Gonzales (Calpine) and the tow-truck co.
at 8:00 a.m. The three dilapidated vehicles will
be removed today. The vehicle located at the southern
portion of the preserve cannot be removed by
the tow truck because of a low-hanging limb of
of a Valley oak tree (6' above the access road).
Therefore, a small pick-up truck was used to
drag the old vehicle to the tow truck. No top soil
disturbance occurred.

Signed Todd Ellwood
Title Biological Monitor

Signed _____
Date 11/3/01

WILDLIFE OBSERVED
(11/3/2001)

SPECIES	LOCATION
BIRDS	
Black phoebe	FC
great blue heron	FC
wood duck	FC
great egret	FC
red-tailed hawk	TH
Western scrub jay	EC
white-crowned sparrow	EC
MAMMALS	
N/A	
INSECTS	
N/A	
REPTILES/AMPHIBIANS	
N/A	

Location:

Tulare Hill: TH

Fisher creek riparian corridor: FC

Energy Center footprint: EC

Laydown Area: LA

Notes:

* not utilizing nearby resources (flyby)

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CA

Date 11/5/01 Name Todd Ellwood
Weather Fog - A.M.; clearing skies through afternoon.
Nature of Work Ecological Preserve clean-up
Hours worked
Contractor Independent - Eric Flippo
Field Notes

Continued clean-up along Tulare Hill west of Fisher Creek. We used a small truck and trailer to access the southern enhancement area of the preserve. The contractor removed 3 loads of debris.

Debra Crowe, John Cleckler (Both CH2M), Kristine Sipes, and Steve DeYoung (Both Calpine) arrived on site at approx. 10:30 a.m. They are here to delineate the cattle exclusion fence around the Ecological Preserve. We also talked about ~~that~~ is the old fence near the southern enhancement area and south of Tulare Hill needs removed. Debra suggested that these fences should be removed to enhance the aesthetic value of the preserve. An old cattle enclosure and misc debris is included to be removed. Also, Debra suggested that the fence near where the outfall will be built should be removed. The debris with the exception of the fence near the outfall and smaller debris, will be removed at a later time when CERP allows access by the excavator.

We finished the day stockpiling debris in the open area south of Tulare Hill. The excavator is operating off the MEC site loading large bins with stockpiled debris. In the preceeding days, many loads of debris were hauled from the preserve to the MEC site to be removed at a later time. The bins belong to All Trash Company.

Signed Todd Ellwood
Title Biological Monitor

Signed _____
Date 11/5/01

**WILDLIFE OBSERVED
(11/5/2001)**

SPECIES	LOCATION
BIRDS	
Black phoebe	FC
wood duck	FC
great egret	FC
red-tailed hawk	TH, FC
white-crowned sparrow	EC
northern mockingbird	EC
dark-eyed junco	TH
marsh wren	TH
Osprey	CC (flying from parkway lake with catch)
green-backed heron	FC
northern harrier	FC*
black-shouldered kite	FC
MAMMALS	
N/A	
INSECTS	
N/A	
REPTILES/AMPHIBIANS	
western fence lizard	TH (under debris)
western skink	TH (under debris)
southern alligator lizard	FC

Location:

Tulare Hill: TH

Fisher creek riparian corridor: FC

Energy Center footprint: EC

Laydown Area: LA

Coyote Creek riparian corridor: CC

Notes:

* not utilizing nearby resources (flyby)

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION _____

Date 11/6/01 Name Todd Ellwood
Weather Cloudy / Fog: A.M.
Nature of Work Ecological Preserve clean-up
Hours worked _____
Contractor Independent - Eric Flippo
Field Notes _____

The COFS Streambed Alteration Agreement work window was extended to 11/9/01 for Fisher Creek Clean-up. We will begin creek clean-up sometime today.

The men are removing debris from the south side of Tolere Hill using a trailer attached to Art Gonzales' truck. The pick-up truck is able to drive under the branches of the Valley Oak tree near the wetland.

Calpine may decide to not remove the fence on the west side of Fisher Creek south of the southern enhancement area, until the excavator and dump can be driven in from CURPs property. Also, the fence near the stormwater outfall may stay until the outfall is constructed.

Creek clean-up started. The crew started at the PG&E access road crossing and worked towards the UPRR bridge over Fisher Creek. Trash, debris and other refuse was removed from the creek. One man wearing waders walked through the creek removing debris out to the banks, while 2 other men transported that debris to areas outside the riparian corridor. This process is working well, minimizing creek turbidity levels and impacts to riparian vegetation. Clean-up of creek includes the portion of the creek from the UPRR bridge to the proposed placement of the stormwater outfall.
location

Signed Todd Ellwood
Title Biological Monitor

Signed _____
Date 11/6/01

WILDLIFE OBSERVED
(11/6/2001)

SPECIES	LOCATION
BIRDS	
black phoebe	FC
great blue heron	FC
great egret	FC
red-tailed hawk	TH
white-crowned sparrow	EC
northern mockingbird	EC
northern flicker	FC
mourning dove	TH*
osprey	FC, TH
common raven	FC
belted kingfisher	FC
western scrub jay	EC, FC
MAMMALS	
N/A	
INSECTS	
N/A	
REPTILES/AMPHIBIANS	
N/A	

Location:

Tulare Hill: TH

Fisher creek riparian corridor: FC

Energy Center footprint: EC

Laydown Area: LA

Coyote Creek riparian corridor: CC

Notes:

* not utilizing nearby resources (flyby)

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CA

Date 11/7/01 Name Todd Ellwood

Weather clear skies

Nature of Work Ecological Preserve clean-up

Hours worked _____

Contractor Independent (Eric Flippo)

Field Notes _____

The contractor continued Fisher Creek clean-up. Two men wearing waders pulled debris and trash from Fisher Creek while another man moved that debris outside the riparian corridor. Several pipes were cut at ground level and/or removed entirely. Debris that is embedded in the bed or bank of the creek will not be removed.

The contractor then ^{loaded} ~~used~~ the dump truck with the debris that was removed from the creek. The dump truck drove along the eastern levee outside the riparian corridor. Approx. 10-15 cubic yards of debris was removed from the creek.

I have been talking to Debra Crowe (Designated Bio.) and Art Gonzales (Calpine) about the location of the 2 5000 gallon water tanks. We were thinking that they could be placed in the southern enhancement area. A surveyor (CH2M) will be here next week to survey and delineate PG&E's property line. Location of the cattle exclusion fence depends on where PG&E's property is. Calpine wants to begin installation of the exclusion fence as soon as possible.

Signed Todd Ellwood
Title Biological Monitor

Signed _____
Date 11/7/01

WILDLIFE OBSERVED
(11/7/2001)

SPECIES	LOCATION
BIRDS	
black phoebe	FC
Bushtits	FC
Wood duck	FC
red-tailed hawk	TH (perched on transmission tower)
white-crowned sparrow	EC
Canada geese	EC*
dark-eyed junco	FC
mourning dove	TH*
osprey	FC, TH
rock dove	EC*
western scrub jay	EC, FC
MAMMALS	
N/A	
INSECTS	
N/A	
REPTILES/AMPHIBIANS	
N/A	

Location:

Tulare Hill: TH

Fisher creek riparian corridor: FC

Energy Center footprint: EC

Laydown Area: LA

Coyote Creek riparian corridor: CC

Notes:

* not utilizing nearby resources (flyby)

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy CenterPROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CADate 11/8/01Name Todd Ellwood

Weather _____

Nature of Work _____

Hours worked _____

Contractor _____

Field Notes _____

No work scheduled for today.Signed Todd EllwoodTitle Biological Monitor

Signed # _____

Date 11/8/01

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CA

Date 11/9/01

Name Todd Ellwood

Weather _____

Nature of Work _____

Hours worked _____

Contractor _____

Field Notes _____

No work scheduled today.

Signed Todd Ellwood

Signed _____

Title Biological Monitor Date 11/9/01

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf energy center
LOCATION _____

Date 11/12/01

Name Todd Ellwood

Weather _____

Nature of Work _____

Hours worked _____

Contractor _____

Field Notes _____

No work scheduled for today.

Signed Todd Ellwood

Title Biological Monitor

Signed _____

Date 11/12/01

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MSE)
LOCATION Santa Clara County, CA

Date 11/13/01

Name Todd Ellwood

Weather Cloudy, chance of rain

Nature of Work _____

Hours worked _____

Contractor _____

Field Notes

I arrived at the MSE site this morning to take several post-cleanup photos of the spring for John Cleckler (Project Biologist). There was no one on site when I arrived, however, as I departed, Art Gonzales (Calpine) drove onto the site. As we talked, he told me that the clean-up contractor (Precision Trades) worked November 12, 2001 inside the proposed Geological Preserve. I was not notified or present to monitor the clean-up activities. Mr. Gonzales also told me that clean-up included the use of the excavator and dump truck. They needed this equipment to remove debris within the southern portions of the proposed preserve. Due to several low hanging limbs of a riparian Valley oak tree, access by the large equipment was previously not advised. However, Calpine (Steve DeYoung) authorized the contractor to attempt to drive the equipment under the limbs. This was the only point of access into the southern portions of the proposed preserve. Mr. Gonzales told me that they first attempted to push the limbs up and out of the way, but due to the height of the equipment, the limbs started breaking off. To minimize damage to the tree, several broken limbs were removed by a chainsaw and handsaw.

started
work at
7:30 a.m.

The contractor worked that day until approximately 10:30 a.m. They stopped work when a sudden downpour of rain started. In turn, the dirt access road became muddy and very slippery. As the

Signed Todd Ellwood
Title Biological Monitor

Signed _____
Date 11/13/01

DAILY LOG (cont.)

PROJECT MEC

Date 4/13/01

Name Todd Ellwood

Page 2

Contractor attempted to drive the dump truck out of the proposed preserve on the dirt access road, slippery road conditions caused concern for their safety. The access road was very slippery in an area adjacent to Fisher Creek. The contractor decided to park the dump truck, and exit on foot.

As I departed from the site today, I called Dabra Crowe (Designated Biologist) and John Oeckler (Project Biologist). This will be our first non-compliance activity. A compliance verification report will include a non-compliance for failure to comply with Condition of Certification BIO-2, found in the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP): Supervise or conduct mitigation, monitoring and other biological resources compliance efforts, particularly in areas requiring avoidance or containing sensitive biological resources. The biological resources for the proposed ecological preserve include a wetland, springs, serpentine habitat on Tulare Hill, and the Fisher Creek riparian corridor.

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CA

Date 11/14/01 Name Todd Ellwood

Weather Clear skies

Nature of Work site investigation

Hours worked 11:50 a.m. to 12:15 p.m.

Contractor _____

Field Notes _____

I returned to the proposed ecological preserve to follow-up on the non-compliance incident that occurred 11/12/01. I am here to take photos of the pruned Valley oak tree and dirt access road. The following is information I gathered while on site:

- 1) less than significant erosion on access road; pictures taken
- 2) 7 limbs removed from riparian Valley oak tree; approximately 4' to 7' in length; pictures taken
- 3) the clean-up contractor safely removed the dump truck sometime before my arrival today. The excavator remains parked approximately 55' from Fisher Creek.

I called John Cleckler (Project Biologist) at 12:00 p.m. and included a summary of the above information in a voicemail message.

Signed Todd Ellwood
Title Biological Monitor

Signed _____
Date 11/14/01

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center

LOCATION Santa Clara County, CA

Date 11/15/01

Name Todd Ellwood

Weather Partly cloudy, chance of rain tonight

Nature of Work clean-up ecological preserve

Hours worked _____

Contractor Independent (Eric Flippo)

Field Notes _____

Returned this morning to the MSC ecological preserve to monitor clean-up activities. Art Gonzales called me yesterday for the heads-up.

The contractor is removing delapidated fence line at the toe of Tulare Hill. Equipment is staying on existing access roads and in previously disturbed areas. No environmental concerns.

Equipment operating today: 1 excavator, 1 dump truck and 3 laborers.

Yesterday, the PG&E property line was surveyed. We can now adjust the cattle exclusion fence to coincide with PG&E's property line. Approx 4000' of fence will be installed along the eastern side of Tulare Hill.

There is a likelihood that the fence installation will begin next week.

We will work until sunset today. It's anticipated that clean-up will be completed today.

I re-administered the WEAT program to the contractor re-iterating the importance of having a Biological Monitor on site when working near sensitive resource areas. Other biological protection measures were addressed.

Signed _____

Title Biological Monitor

Signed Todd Ellwood

Date 11/15/01

**WILDLIFE OBSERVED
(11/15/2001)**

SPECIES	LOCATION
BIRDS	
red-tailed hawk	FC
black-shouldered kite	FC
Say's phoebe	TH
Northern harrier	TH
mourning dove	TH
osprey	FC
MAMMALS	
coyote	TH
black-tailed jackrabbit	TH
INSECTS	
N/A	
REPTILES/AMPHIBIANS	
N/A	

Location:

Tulare Hill: TH

Fisher creek riparian corridor: FC

Energy Center footprint: EC

Laydown Area: LA

Coyote Creek riparian corridor: CC

Notes:

* not utilizing nearby resources (flyby)

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CA

Date 11/16/01

Name Todd Ellwood

Weather

Nature of Work

Hours worked

Contractor

Field Notes

No work scheduled today.

Signed

Todd Ellwood

Signed

Title

Biological Monitor

Date

11/16/01

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEL)
 LOCATION Santa Clara County, CA

Date 11/17/01 Name Todd Ellwood

Weather _____

Nature of Work _____

Hours worked 4

Contractor Independent (Eric Phipps)

Field Notes _____

Art Gonzales, the Fence contractor and I drove over Tolare Hill on the PG & E access road to assess work logistics. The PG & E road provides several access points to close to the new fence line. The contractor will need to drive across Tolare Hill using an ATV at one location where the access road is over 300ft from the fence line. Using the ATV will help facilitate in transporting the supplies (i.e. fence post, red-mix bags,) to the fence line.

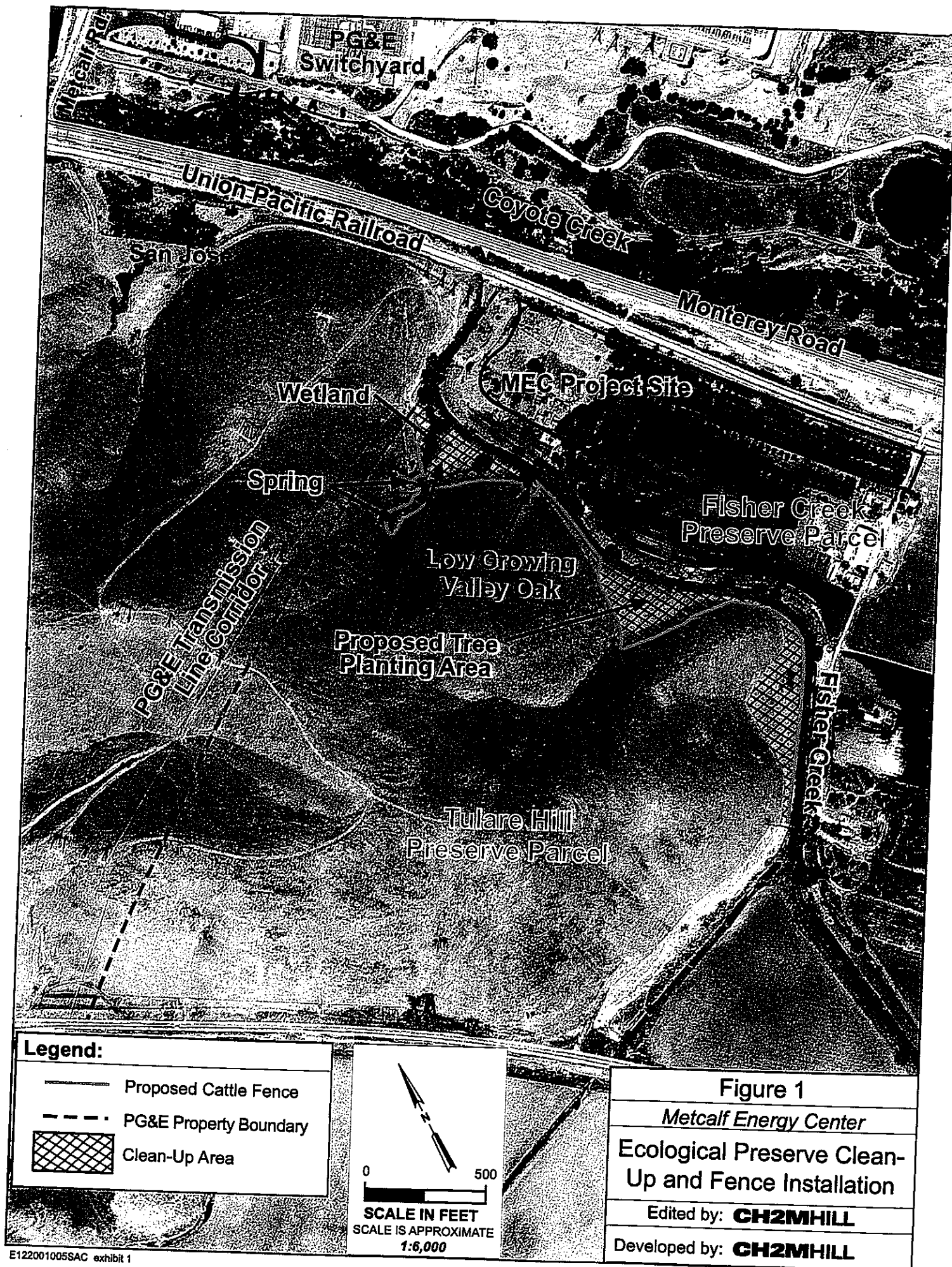
I marked an acceptable route that can be used by the ATV. The path is demarcated by pin-flags. Restrictions for the use of the path:

- These restrictions were provided by [collaborated] [fort on behalf of Debra Crowe and John Cleckler.]
- 1) perform WEAT
 - 2) only the ATV may drive off-road
 - 3) no spinning or digging with wheels
 - 4) have wooden boards available in case ATV gets stuck.
 - 5) no off-road work while raining
 - 6) " " " after a rain event
 - 7) avoid travel up steep slopes
 - 8) avoid rocky outcrops
 - 9) avoid green forbs; stay on dry grasses
 - 10) BM must survey in front of ATV for larvae
 - 11) BM will flag approved paths from PG & E access road to fence line
 - 12) no ruts
 - 13) do not carry excessive weight
 - 14) avoid animal burrows
 - 15) BM with crews @ all times.

Work may start Monday.

Signed Todd Ellwood
 Title Biological Monitor

Signed 11/17/01
 Date _____



DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center

LOCATION Santa Clara County, CA

Date 11/19/01

Name Todd Ellwood

Weather Partly cloudy; chance of rain

Nature of Work mobilization for exclusion fence installations

Hours worked

Contractor Independent (Eric Flippo)

Field Notes

A The fence contractor was scheduled to start the installation today on Telara Hill. However, because they have not received all of the supplies, work may start tomorrow. Rain is in the forecast for this afternoon through the end of the week.

Today, the contractor will unload supplies that they do have.

I re-surveyed the approved ATV path on Telara Hill for Bay checkerspot larvae. None observed.

I called John Stockler to inform him that no work will occur today. He will not be here on-site today, as earlier anticipated.

Signed Todd Ellwood

Title Biological Monitor

Signed

Date 11/19/01

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)

LOCATION Santa Clara County, CA

Date 11/20/01

Name Todd Ellwood

Weather Overcast Skies, chance of Rain

Nature of Work exclusion fence installation

Hours worked _____

Contractor Independent (Eric Flippo)

Field Notes _____

We will work today until the rain starts.
The contractor plans to use an auger to
dig holes for each fence post. Redi-mix will
be used to fasten the poles into the ground.
I administered a WBT to the crew of 5.
We started along the toe of Tolare Hill.
The ground is very rocky. No environmental concerns
today.

Signed Todd Ellwood
Title Biological monitor

Signed _____
Date 11/20/01

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)

LOCATION Santa Clara County, CA

Date 11/21/01

Name Todd Ellwood

Weather overcast skies 60's

Nature of Work Exclusion fence installation

Hours worked

Contractor Independent - Eric Flippo

Field Notes

The contractor will be setting fence posts today on Tulare Hill and around the spring and wetland (enhancement areas). There is no rain forecasted for today. I administered the WEAT for work on Tulare Hill, which included protection measures for the Bay checkerspot butterfly and Santa Clara valley dudleya.

I called Debra Crowe (Designated Rep.) with a question about how close the new fence line can encroach upon Fisher Creek without a streambed alteration agreement from CDEG. I am waiting for a reply.

The contractor marked each location for the poles with a small amount of marking paint. The spacing is approx. 150-feet depending on topography. These poles will be installed using cement.

There is some concern that an open area set aside for a corral may not be large enough. The rancher, Justin Fields met with us today and said that this area was not large enough for him to corral and load 10-15 head of cattle. I relayed this concern back to Debra Crowe and John Cleckler. Calpine would like CH2M to find a solution.

Signed

Todd Ellwood

Title

Biological Monitor

Signed

Date 11/21/01

WILDLIFE OBSERVED
(11/21/2001)

SPECIES	LOCATION
BIRDS	
red-tailed hawk	TH
Canada geese	EC*
black phoebe	FC
osprey	TH
prairie falcon	TH
Mallard	FC
great egret	FC
brewer's black bird	FC
western scrub jay	TH
belted kingfisher	FC
mourning dove	FC
MAMMALS	
N/A	
INSECTS	
N/A	
REPTILES/AMPHIBIANS	
N/A	

Location:

Tulare Hill: TH

Fisher creek riparian corridor: FC

Energy Center footprint: EC

Laydown Area: LA

Coyote Creek riparian corridor: CC

Notes:

* not utilizing nearby resources (flyby)

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CA

Date 11/22/01

Name Todd Ellwood

Weather _____

Nature of Work _____

Hours worked _____

Contractor _____

Field Notes _____

No work scheduled today

Signed Todd Ellwood
Title Biological Monitor

Signed _____
Date 11/22/01

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CA

Date 11/23/01

Name Todd Ellwood

Weather

Nature of Work

Hours worked

Contractor

Field Notes

NO work scheduled today.

Signed

Todd Ellwood

Signed

Title

Biological Monitor

Date

11/23/01

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION _____

Date 11/26/01 Name Todd Ellwood
Weather clear skies, cold
Nature of Work exclusion fence installation
Hours worked _____
Contractor Independent - Eric Flippo
Field Notes _____

It rained through Thanksgiving weekend here at the site. The dirt access road is holding together preventing vehicular traffic from causing ~~the~~ cuts. However, we will not use the ATV on Tulare Hill off of the PG&E access road (as per protection measures).

An auger was used today for placement of the load-bearing poles. These poles were stabilized and secured by using cement. Also, support poles were attached to the load-bearing poles.

John Cleckler (Project Bio.) arrived at the site approx. 10:30 am. The rancher (Justin Fields) and Steve Deyoung were scheduled to be here today to assist with the northern corral location. Justin Fields previously determined that the space was too small. S. Deyoung and J. Fields did not show up. John Cleckler agreed that the space is too small and will pass the word back to Debra Crowe (Designated Bio.). An option that is being considered (if CWRP denies access) is to permit the rancher to occasionally use the existing dirt access road back to the preferred corral location.

(Mourning dove)

A dead dove was found under the PG&E power lines on Tulare Hill. The bird could have been killed by electrocution or predation. Also, an American coot was found dead several weeks ago under the PG&E lines near Fisher creek. Its death could be attributed to electrocution or predation.

Signed Todd Ellwood Signed _____
Title Biological Monitor Date 11/26/01

WILDLIFE OBSERVED
(11/26/2001)

SPECIES	LOCATION
BIRDS	
rock wren	TH
Canada geese	EC*
black phoebe	FC, TH
American kestrel	TH
great blue heron	FC
green heron	FC
unidentified hummingbird	FC
mallard	FC
great egret	FC
western meadowlark	TH
common raven	TH
western scrub jay	FC
belted kingfisher	FC
mourning dove	TH
MAMMALS	
N/A	
INSECTS	
N/A	
REPTILES/AMPHIBIANS	
N/A	

Location:

Tulare Hill: TH

Fisher creek riparian corridor: FC

Energy Center footprint: EC

Laydown Area: LA

Coyote Creek riparian corridor: CC

Notes:

* not utilizing nearby resources (flyby)

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CA

Date 11/27/01 Name Todd Ellwood

Weather clear skies, cold: a.m.

Nature of Work Exclusion fence installation

Hours worked _____

Contractor Independent - Eric Flippo

Field Notes _____

The contractor installed the support poles at each load-bearing pole. These poles reinforce the cemented poles' stability.

The contractor stopped at approximately 1:00 p.m. waiting for t-posts and barbed-wire from their supplier. The t-posts will be placed every 10-feet between the load-bearing poles.

In the meantime, I repaired several sections of the silt fence (demarcating the Fisher creek riparian corridor) which included adding staples, stakes, and driving loose stakes into the ground. I also took several pictures of the Ecological Preserve from atop Tulare Hill. In addition, I crossed out any association with Bechtel that was printed on each "Keep out" sign. The signs are fastened to the silt fence.

I remained on site until the supplies arrived. The contractor started installing the t-posts.

Signed Todd Ellwood
Title Biological Monitor

Signed _____
Date 11/27/01

WILDLIFE OBSERVED
(11/27/2001)

SPECIES	LOCATION
BIRDS	
Osprey	EC*
Canada geese	EC*
black phoebe	FC
white pelicans	EC*
Anna's hummingbird	TH
mallard	FC
MAMMALS	
black-tailed jackrabbit	TH
INSECTS	
N/A	
REPTILES/AMPHIBIANS	
N/A	

Location:

Tulare Hill: TH

Fisher creek riparian corridor: FC

Energy Center footprint: EC

Laydown Area: LA

Coyote Creek riparian corridor: CC

Notes:

* not utilizing nearby resources (flyby)

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center
LOCATION Santa Clara County, CA

Date 11/28/01 Name Todd Ellwood
Weather overcast Skies, chance of rain late this afternoon
Nature of Work _____
Hours worked Exclusion Fence Installation
Contractor Independent (Eric Flippo)
Field Notes _____

The contractor continued to install the t-posts along the wetland area. The t-posts are placed every 10 feet between the concrete installed metal poles. An electric impact hammer is being used where rock is preventing the t-posts from being driven in to proper depth.

Today, I monitored these activities on Tulone Hill. I did not observe any Bay checkerspot butterfly larvae on the Plantago host plant species. The workers avoided the natural spring and associated wetland.

It did not rain during today's activities. The contractor will not work tomorrow because rain is expected to occur ~~over~~ the. The forecast for Friday is expected to be partly cloudy. The contractor will notify me on Friday morning if they will work.

CHAM Hill and CALPINE held our first WEAT meeting this morning at 7:00 p.m. Members of a contractor (Top Grade) met gathered at the Coyote Grange. John Cleckler (Project Biologist) lead the meeting which included a discussion on biological, paleontological, and anthropological issues pertaining to the MEG project. Lanny Fiske spoke about the PALEO issues and Colin Busby spoke on behalf of the cultural issues. Top Grade will begin road work on the east side of the UPRR sometime soon. Other attendees included Kristine Sipes (Calpine Compliance Mgr.), Art Gonzales (Calpine) and myself.

Signed Todd Ellwood
Title Biological Monitor

Signed _____
Date 11/28/01

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)
LOCATION Santa Clara County, CA

Date 11/29/01 Name Todd Ellwood

Weather

Nature of Work

Hours worked

Contractor

Field Notes

No work scheduled today.

Signed Todd Ellwood Signed
Title Biological Monitor Date 11/29/01

DAILY LOG
Biological Resources Mitigation Monitoring
Metcalf Energy Center

PROJECT Metcalf Energy Center (MEC)

LOCATION Santa Clara County, CA

Date 11/30/01

Name Todd Ellwood

Weather Partly Cloudy; chance of rain this evening

Nature of Work fence installation

Hours worked 0

Contractor Independent - Eric Flippo

Field Notes

The contractor did not work yesterday ~~to~~ due to rain. I decided to allow the contractor to work today only if the ground was not too moist. I also thought that it would be best to not drive any vehicles into the preserve with the exception of the ATV. The contractor parked their vehicles on the MEC site and accessed the preserve with the ATV.

The contractor continued to install the t-posts along the toe of Tulare Hill around the enhancement areas. Posts that could not be driven in past rock were left uninstalled until next week. At this time, the t-posts will be driven-in using heavier hand-held equipment. The contractor nearly complete t-post installation back to CWRP property.

They will resume Monday which will include PG&E's property line over Tulare Hill.

Rain is forecasted for the entire weekend and possibly next week.

No environmental concerns today.

Signed Todd Ellwood
Title Biological Monitor

Signed _____
Date 11/30/01

WILDLIFE OBSERVED

(11/27/2001)

30

SPECIES	LOCATION
BIRDS	
northern mockingbird	EC
marsh wren	EC, FC
MAMMALS	
California ground squirrel	TH, EC
INSECTS	
N/A	
REPTILES/AMPHIBIANS	
N/A	

Location:

Tulare Hill: TH

Fisher creek riparian corridor: FC

Energy Center footprint: EC

Laydown Area: LA

Coyote Creek riparian corridor: CC

Notes:

* not utilizing nearby resources (flyby)

APPENDIX D

Preserve Cleanup Report

Cleanup of the Metcalf Energy Center Ecological Preserve

PREPARED FOR: Calpine-MEC
PREPARED BY: Todd Ellwood/SFO
DATE: November 30, 2001

Introduction

In accordance with Commission Decision BIO-5 and BIO-10, concerning acquisition and enhancement of mitigation-driven preserve lands, cleanup of the Metcalf Energy Center Ecological Preserve (Ecological Preserve) was completed in November 2001. Plans for the cleanup efforts were described in the *Fisher Creek Riparian Corridor Enhancement Plan for the Metcalf Energy Center Project* and the *Resource Management Plan for the Metcalf Energy Center Ecological Preserve* documents that are included in the *Biological Resources Mitigation Implementation and Monitoring Plan for the Metcalf Energy Center* (BRMIMP).

The cleanup activities were also initiated to satisfy restoration requirements mentioned in the National Marine Fisheries Service and the U.S. Fish and Wildlife Service Biological Opinions for the project. The Preserve cleanup activities included removal of debris from Fisher Creek and associated riparian corridor, and the wetland and springs of Tulare Hill.

Cleanup of the Fisher Creek riparian corridor included approximately 1200 feet of the creek from the Union Pacific Railroad bridge at the northeast corner of the Metcalf Energy Center (MEC) site south to the proposed stormwater outfall location in the southwest corner. Cleanup of Tulare Hill focused on areas from the Pacific Gas and Electric Company (PG&E) property boundary south to the Coyote Valley Research Park (CVRP) property line (Figure 1). This included the proposed enhancement areas, portions of the Fisher Creek riparian corridor, wetlands, and natural springs.

The California Department of Fish and Game (CDFG) issued a 1603 Lake and Streambed Alteration Agreement (SAA) on October 11, 2001 describing the conditions by which cleanup within the bed and banks of Fisher Creek would be performed. The SAA and subsequent extension are included in Attachments A and B.

The MEC Biological Monitor (BM), Todd Ellwood, performed daily compliance monitoring of cleanup activities to insure compliance with each condition of the SAA, as well as the biological protection measures presented in BRMIMP. The BM also provided informal worker environmental training for all cleanup crew personell.

In addition, the BM performed clearance surveys on site for special-status and native wildlife species immediately prior to cleanup. These species included the California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana aurora draytonii*), and Western pond turtle (*Clemmys marmorata*). Any wildlife encountered was either avoided or relocated to an appropriate cover site. No special-status species were observed during the site cleanup. A complete list of wildlife observed during cleanup is included in Attachment C.

Streambed Alteration Agreement Summary

The SAA included the following conditions:

- Work within the stream/riparian corridor shall be confined to the period June 15 to October 15 unless the CDFG issues an extension based on expected weather conditions.
- Vehicles may be driven on the stream bed to traverse the distance to the work site from the access point, and in the immediate vicinity of the work area, and only as necessary to accomplish authorized work.
- No live trees shall be removed.
- No rootballs will be removed from the creek bank.
- All debris taken out of the stream shall be removed from the work site and legally disposed of.
- Stream turbidity shall not exceed 50 Nephelometric Turbidity Units (NTU's) over base levels due to project activities.

The SAA includes a work window and several conditions that must be adhered to during cleanup of Fisher Creek. The SAA restricted all described in-creek activities to the period of June 15 to October 15, 2001. However, the permit was not issued until October 11 and the contractor was not available to begin the work until November 1, 2001. Therefore, a time extension was requested from CDFG. On November 5, 2001, California Department of Fish and Game warden, Mark Imsdahl, issued an extension which allowed the permit conditions to continue through November 9, 2001. The SAA is included in Attachment A. The permit extension is included in Attachment B.

Activities

Fisher Creek Cleanup

Following the issuance of the SAA extension, cleanup of Fisher Creek began on November 6, 2001 under the direction of the BM. The cleanup inside the banks of Fisher Creek was completed on November 7, 2001.

All creek cleanup was conducted by hand. Two laborers wearing waders entered into the creek to access debris entangled with the riparian vegetation, resting on the creek bottom, or floating on the water surface. Debris included tires, pipe, lumber, and random trash. Creek turbidity did not exceed 50 NTUs over base levels as a result of the cleanup. Fisher Creek is a relatively murky waterway. Cleanup activities resulted in very localized and temporary disturbance of stream bed sediment. To prevent bank destabilization and excess turbidity, debris embedded in the banks of Fisher Creek was not removed. Debris that could not be removed from Fisher Creek was cut off at the lowest point possible. No local source vegetation, including fallen wood, was removed.

All debris was hand carried to a dump truck parked in a previously disturbed area outside the riparian corridor. The debris was then transported off site to a local landfill by the All Trash Company.

Tulare Hill Cleanup

On October 22, 2001, in anticipation of Ecological Preserve cleanup, the Co-Designated Biologist (CDB), John Cleckler, and the BM removed debris and water diversion structures found in the wetland and spring areas of Tulare Hill. The work was performed by the biologists in order to limit the access of the contractor into the most sensitive areas. No sensitive species were observed during removal. However, several arboreal salamanders (*Aneides lugubris*) and pacific tree frogs (*Hyla regilla*) were observed. When necessary, individuals were relocated to another appropriate cover site in the immediate vicinity, or the existing artificial cover was left in place. Debris that was embedded or entangled in the vegetation was not removed and some of the wooden debris was left in the area to provide continued cover habitat for wildlife. All debris was moved to less sensitive areas for removal by the contractor.

The contractor began cleanup of Tulare Hill on November 1, 2001. The work was completed on November 15, 2001. Cleanup included the riparian enhancement areas, portions of the Fisher riparian corridor, wetlands, and springs. Debris in these areas included lumber piles, old tires, water pipes, trash, and dilapidated vehicles. Necessary equipment accessed Tulare Hill via the existing PG&E service road which passes through Fisher Creek at the northwest side of the MEC site. Equipment included an excavator, two dump trucks, and a few large to medium-sized pick-up trucks. The equipment remained on the access road and in previously disturbed areas outside the wetland, springs and banks of Fisher Creek.

The excavator was used to remove larger debris piles and was not permitted to disturb the soil. Smaller debris and ground-level items were loaded into the dump trucks by hand. No equipment fluid leaks were observed.

Debris that was previously set aside by the CDB and BM was hand carried down from Tulare Hill. Removal of exposed metal and plastic pipe within the springs required the use of a battery powered saw. The pipes were cut off at ground level, left in place, and covered with soil.

A low growing limb of a valley oak (*Quercus lobata*) hindered access to the southern portions of the Ecological Preserve (Figure 1). The limb hung approximately 6 feet above an existing dirt road that runs parallel to Fisher Creek and allows access to riparian enhancement areas. Hence, the excavator and dumps trucks could not be used. However, there was enough clearance to permit access by a small pickup truck with an attached trailer. Debris that could be removed by hand was loaded into the trailer and removed.

On November 12, 2001, Calpine continued cleanup for approximately two hours inside the Ecological Preserve without notifying the BM. Enough trimming was performed to provide approximately 15 feet of clearance above the access road. This allowed adequate access for the excavator and dump truck to enter the southern portions of the Ecological Preserve. In addition, activities were performed in the rain without the implementation of erosion control measures such as silt fencing or hay bails. Activities were eventually stopped for the day due to rain. The muddy road made it necessary for the contractor to leave a dump truck parked overnight within the 100 foot riparian setback zone. After learning that activities performed on November 12, 2001 were not in compliance, Calpine did not resume work until the BM could be onsite. The BM prepared a non-compliance report describing the incident on November 13, 2001.

Due to the incidence of non-compliance, the BM re-issued the Worker Environmental Awareness Training (WEAT) program to the cleanup personnell on November 15, 2001. Cleanup of the southern areas continued via access under the newly limbed oak. The contractor proceeded to remove a delapidated wooden shed, an old wire and wood fence, and random debris from the southern area. Cleanup of the Ecological Preserve was completed on November 16, 2001.

Comments and Discussion

An estimated 450 cubic yards of debris was removed as a result of the cleanup. The effort has drastically improved the visual quality of the Ecological Preserve, and will likely enhance it's ecological function. Removal of artificial debris dams has improved the local flow of Fisher Creek. Cleanup of the Tulare Hill springs has eliminated diversion of water resources that are now available to local plant and wildlife species and the associated wetland resources.

Woody debris including downed limbs remain in several locations within the Ecological Preserve to provide cover habitat for wildlife. The limbs removed from the oak were not removed and will remain within the enhancement area to provide a valuable cover resource.

The November 12th incident was the first non-compliance for the MEC project. The incident reinforced the importance of the BM's presence and involvement in daily activities as well as the importance of the Worker Environmental Awareness Training.

ATTACHMENT A
CALIFORNIA DEPARTMENT OF FISH AND GAME
STREAMBED ALTERATION AGREEMENT



Calpine Corporation

Clean Energy for the 21st Century



Bechtel Enterprises Holdings, Inc.

FAX

Date: 10/17/01

To: J. Cleckler
A. Gonzales

Fax: 916-920-8463
408-463-8005

From: K. Sipes

Fax: 925-479-7307
Phone: 925-479-6680

Subject: Lake and Streambed Alteration Agreement

Number of pages including cover sheet: 10

If you do not receive the number of pages indicated above, please call (925) 479-6682

Calpine/Bechtel Joint Development
4160 Dublin Boulevard
Dublin, CA 94568-3139

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STATE OF CALIFORNIA THE RESOURCES AGENCY

GRAY DAVIS, GOVERNOR

DEPARTMENT OF FISH AND GAME

CENTRAL COAST REGION

(707) 944-5520

Mailing address:

POST OFFICE BOX 47

YOUNTVILLE CALIFORNIA 94599

Street address:

7329 SILVERADO TRAIL

NAPA CALIFORNIA 94558



October 11, 2001

Notification Number: R3-2001-0690

Steve De Young
CalPine/Bechtel Joint Development
4160 Dublin Boulevard
Dublin, CA 94568-3139

1603 LAKE AND STREAMBED ALTERATION AGREEMENT

This agreement is issued by the Department of Fish and Game pursuant to Division 2, Chapter 6 of the California Fish and Game Code:

WHEREAS, the applicant Steve De Young / Calpine/Bechtel Joint Development, hereafter called the Operator, submitted a signed NOTIFICATION proposing to substantially divert or obstruct the natural flow of, or substantially change the bed, channel, or bank of, or use material from the streambed or lake of the following water: Fisher Creek, located in APN 708-29-003, in the County of Santa Clara, State of California; and

WHEREAS, the Department has determined that such operations may substantially adversely affect existing fish and wildlife resources including water quality, hydrology, aquatic or terrestrial plant or animal species; and

WHEREAS, the project has undergone the appropriate review under the California Environmental Quality Act; and

WHEREAS, the Operator shall undertake the project as proposed in the signed PROJECT DESCRIPTION and PROJECT CONDITIONS (attached). If the Operator changes the project from that described in the PROJECT DESCRIPTION and does not include the PROJECT CONDITIONS, this agreement is no longer valid; and

WHEREAS, the agreement shall expire on December 31, 2002; with the work to occur between June 15 and October 15; and

WHEREAS, nothing in this agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of the responsibility for compliance with applicable Federal, State, or local laws or ordinances. Placement, or removal, of any material below the level of ordinary high water may come under the jurisdiction of the U. S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act;

THEREFORE, the Operator may proceed with the project as described in the PROJECT DESCRIPTION and PROJECT CONDITIONS. A copy of this agreement, with attached PROJECT DESCRIPTION and PROJECT CONDITIONS, shall be provided to contractors and subcontractors and shall be in their possession at the work site. Failure to comply with all conditions of this permit may result in legal action.

This agreement is approved by:

Cindy Catalano
for Robert M. Floerke
Regional Manager
Central Coast Region

cc: Wdn. Insdahl
Lt. Baldwin
Kevan Urquhart

STATE OF CALIFORNIA THE RESOURCES AGENCY

GRAY DAVIS GOVERNOR

DEPARTMENT OF FISH AND GAME

CENTRAL COAST REGION

(707) 944-5520

Mailing address:

POST OFFICE BOX 47

YOUNTVILLE CALIFORNIA 94599

Street address:

7329 SILVERADO TRAIL

NAPA CALIFORNIA 94558



Notification Number: R3-2001-0690

Steve De Young
Calpine Corp / Bechtel Enterprises, Incorporated
6700 Koll Center Parkway, Suite 200
Pleasanton, CA 94566

PROJECT DESCRIPTION and PROJECT CONDITIONS**Description**

The proposed project is located on Fisher Creek near Morgan Hill in Santa Clara County. The project is part of the Metcalf Energy Center Project which proposes to construct a 600-megawatt natural-gas-fired combined cycle power plant. This portion of the project activities include the connection of a 240-foot-long transmission line across Fisher Creek, cleanup and enhancement of the Fisher Creek riparian corridor, Tulare Hill Ecological Preserve Cleanup and Preparation and Management.

Site development will include the connection of a 240-foot-long electric transmission line from the proposed project site to an existing PG&E transmission tower north of the site across Fisher Creek. This activity will require the crossing of an existing PG&E service road through Fisher Creek.

The Tulare Hill Ecological Preserve Cleanup will require further access across the PG&E service road through Fisher Creek.

The Fisher Creek cleanup project involves the removal of trash, scrap metal, and debris built up in the channel of Fisher Creek. All work will be done by hand. A small boat may be used within Fisher Creek to aid in the removal of debris.

Conditions

1. Work within the stream/riparian corridor shall be confined to the period June 15 to October 15. Revegetation work and planting are not confined to this time period. Work will only take place during dry months when the water level is low.
2. Vehicles may be driven on the stream bed to traverse the distance to the work site from

the access point, and in the immediate vicinity of the work area, and only as necessary to accomplish authorized work.

3. No live trees shall be removed.
4. No rootballs will be removed from the creek bank. If downed tree must be removed. The tree will be cut off and the rootball left in place. This will prevent bank destabilization and erosion.
5. All debris taken out of the stream shall be removed from the work site and legally disposed of.
6. Stream turbidity shall not exceed 50 Nephelometric Turbidity Units (NTU's) over base levels due to project activity.

If the Operator finds more time is needed to complete the authorized activity, the work period may be extended on a day-to-day basis by the local Department of Fish and Game representative who reviewed the project.

If the Operator would like to renew the agreement beyond the expiration date, a written request for a renewal must be submitted to the Department (1600 Program, Post Office Box 47, Yountville, California 94599) for consideration at least 30 days before the agreement expiration date. A renewal constitutes a change to the original agreement and requires a fee of \$127.25. Renewals of the original agreement are issued at the discretion of the Department.

If the Operator would like to modify the project, a written request for an amendment must be submitted to the Department (1600 Program, Post Office Box 47, Yountville, California 94599). The fee for an amendment is half (1/2) the original fee. Amendments to the original agreement are issued at the discretion of the Department.

The Operator shall notify the Department before any modifications are made in the project plans submitted to the Department. Project modifications may require an amendment or a new notification.

This agreement is transferable to subsequent owners of the project property by requesting an amendment.

A copy of this agreement must be provided to the Contractor and all subcontractors who work within the stream zone and must be in their possession at the work site.

Building materials and/or construction equipment shall not be stockpiled or stored where they could be washed into the water or where they will cover aquatic or riparian vegetation.

Debris, soil, silt, bark, rubbish, creosote-treated wood, raw cement/concrete or washings thereof,

asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these materials, placed within or where they may enter a stream or lake, by Operator or any party working under contract, or with the permission of the Operator, shall be removed immediately.

During construction, the contractor shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.

If, in the opinion of the Department, conditions arise, or change, in such a manner as to be considered deleterious to the stream or wildlife, operations shall cease until corrective measures approved by the Department are taken.

Department personnel or its agents may inspect the work site at any time.

YOUR SIGNATURE BELOW DOES NOT ALONE CONSTITUTE A COMPLETED STREAMBED ALTERATION AGREEMENT. Please note that you may not proceed with your project until after your proposed project has been reviewed under CEQA and the Department signs the Agreement.

I, the undersigned, state that the above is the final description of the project I am submitting to the Department for CEQA review, leading to an Agreement. I understand that I will implement the above project conditions required by the Department as part of my project. I understand that I will not proceed with this project until the Department signs the Agreement. I also understand that the CEQA review may result in the addition of measures to the project to avoid, minimize, or compensate for significant environmental impacts:

Operator's Name (Print): S. A. DE YOUNG

Operator's Signature: 

Signed the 5TH day of OCTOBER, 2001

URII-001249

#154-

CALPINE & BECHTEL, JOINT DEVELOPMENT

K3-2001-0690

ck rec'd 8-3-01

TIMOTHY
SHELDON
BALDWIN
CROQUHART

CALIFORNIA DEPARTMENT OF FISH AND GAME					
FORM FG 2023; NOTIFICATION OF LAKE OR STREAMBED ALTERATION					
Metcalf Energy Center Project ^{R3}					
(See attachment/enclosure for instructions)					
<input checked="" type="checkbox"/> 1601 (Public)		<input checked="" type="checkbox"/> 1603 (Private)		<input type="checkbox"/> Timber Harvest Plan <input type="checkbox"/> Commercial Gravel Extraction	
Applicant Information					
	Name	Address	Telephone Number		
Applicant	Steve De Young, Calpine Corp/Bechtel Ent.	6700 Koll Center Parkway, St. 200, Pleasanton, CA 94566	Business: (925) 600-2030 Fax: (925) 600-8926		
Operator		4160 Dublin Blvd			
Contractor (if known):		Dublin, 94568-3337			
Property Owner:	Delta CPN and Metcalf Energy Center, LLC.	6700 Koll Center Parkway, St. 200, Pleasanton, CA 94566	Business: (925) 600-2000 Fax: (925) 600-8926		
Project Information					
County:	Assessor's Parcel Number:	Section:	Township:	Range:	USGS Map:
Santa Clara	708-29-003	not identified	8S	2E	Morgan Hill
Name of River, Stream, or Lake:	Fisher Creek				
Tributary To?	Coyote Creek, San Francisco Bay				
Proposed Start Date:	Proposed Completion Date:	Project Cost (see Instructions)	Number of Stream Encroachments (Timber Harvest Plans Only):		
Summer, 2001	Summer, 2003	< \$25,000	NA		
Attachments/Enclosures					
Please attach or enclose the following documents listed below and check the boxes of the documents attached or enclosed.					
<input checked="" type="checkbox"/> Project Description (below and in cover letter)		<input checked="" type="checkbox"/> Map showing the location of the project, including distances		<input type="checkbox"/> Construction plans pertaining to the project	
Please attach or enclose the following documents listed below, if applicable, and check the boxes of the documents attached or enclosed.					
Completed CEQA documents:		<input type="checkbox"/> Environmental Impact Report		<input type="checkbox"/> Negative Declaration	
<input checked="" type="checkbox"/> Other: California Energy Commission Presiding Member's Proposed Decision		<input type="checkbox"/> Mitigated Negative Declaration		<input type="checkbox"/> Notice of Exemption	
Copies of all applicable local, State, or federal permits, agreements, or other authorizations:					
<input type="checkbox"/> Local. Describe:					
<input checked="" type="checkbox"/> State. Describe: California Energy Commission Presiding Members' Proposed Decision					
<input checked="" type="checkbox"/> Federal. Describe: US Fish and Wildlife Service and National Marine Fisheries Service Biological Opinions (received).					

479-668
479-666

Project Description

Metcalf Energy Center Project Location

The proposed MEC site is located in the Santa Clara Valley within the Urban Service Area of south San Jose (Figure 1). It is located on the northwest portion of the Morgan Hill United States Geological Survey (USGS) quadrangle (Township 8S, Range 2E). The supporting MEC project features are also located within the Morgan Hill quadrangle, with the exception of a supply pipeline that conveys recycled water west and north of the proposed site. The 14-acre MEC site (10.9 acre footprint and 3.3 acre riparian corridor) and 6-acre landscape buffer area are at the southeast toe of Tulare Hill (Figure 2). Fisher Creek flows between Tulare Hill and the MEC site, forming the northern and western boundaries of the proposed project site (Figure 2), and is a tributary to Coyote Creek, which flows north to the San Francisco Bay. Monterey Road and the Union Pacific Railroad (UPRR) define the eastern border of the proposed MEC site. Farmed agricultural land borders the MEC site on the south. The proposed site is currently accessed by an undeveloped railroad crossing off Monterey Road, between Metcalf Road to the north and Blanchard Road to the south.

Project Description

The MEC will be a 600-megawatt (MW) (nominal maximum output) natural-gas-fired combined cycle power plant with the following features:

- A 230-kilovolt (kV) switchyard and approximately 240 feet of new 230-kV transmission line that will loop into the existing Pacific Gas and Electric (PG&E) 230-kV Metcalf-Monta Vista No. 4 transmission on Tulare Hill.
- An approximately one mile, 16-inch natural gas pipeline that will connect to an existing PG&E transmission backbone pipeline that runs along the eastern side of U.S. 101.
- An approximately 10.2-mile water pipeline from a tap into the South Bay Water Recycling Program's (SBWR) existing main pipeline in eastern San Jose will be used for cooling water.
- An approximately 1.2-mile water pipeline will supply domestic and backup water supplies.
- A stormwater detention basin and discharge outfall structure to Fisher Creek.
- A new access road from Monterey Road at the Blanchard Road junction and visual screening and landscape corridor along the new access road that will require 6 acres of agricultural land south of the MEC site.
- A second access road (west access road) may extend from Santa Teresa Boulevard to the MEC site that will require 2.0 acre of agricultural land.
- A temporary 10-acre construction laydown area would be located in agricultural land south of the MEC site.

Calpine/Bechtel expects to begin construction of the MEC facility in the summer of 2001.

This notification is concerned with activities requiring temporary access into and along Fisher Creek. Those proposed project activities include the connection of the 240-ft. long transmission line, cleanup and enhancement of the Fisher Creek riparian corridor, cleanup and preparation of the Tulare Hill Ecological Preserve, and the continued management of the Tulare Hill Ecological Preserve. Streambed Alterations issues for the stormwater outfall, water pipeline horizontal directional drill operation, and natural gas pipeline horizontal directional drill operation will be addressed in a separate notification.

The following includes a description of each of the four proposed activities involving state waters requiring a Streambed Alteration Notification.

Fisher Creek Cleanup and Enhancement

Ancillary site development activity includes Fisher Creek cleanup efforts associated with general site cleanup and mitigation tree plantings required for the enhancement of the riparian corridor. This effort will require access across the previously mentioned PG&E service road and into the creek (Figures 2 and 3). Access across Fisher Creek will involve medium-sized trucks and quad runners. In creek activities will be limited to foot and non-motorized boat access. Additional foot access will be required along the creek bank for the length of the MEC project area. Cleanup activities are expected to take approximately 2 weeks and will occur during dry summer months, when water level and flow is low.

It is unlikely that limited traffic confined to the existing access road would adversely affect any sensitive species associated with Fisher Creek.

Tulare Hill Ecological Preserve Cleanup and Preparation

Mitigation activities associated with site development include cleanup and management preparation of the Tulare Hill Preserve. Effective management of the Tulare Hill preserve will require debris cleanup and the installation of cattle exclusion fencing. These activities will involve further access across the PG&E service road through Fisher Creek (Figures 2 and 3). Efforts will require the use of large trucks. A flatbed truck will be required to remove and transport two abandoned vehicles from the Tulare Hill side of the Fisher Creek riparian corridor. These Tulare Hill activities are expected to take less than 1 week and will occur during dry summer months, when water level and flow is low.

It is unlikely that limited traffic confined to the existing access road would adversely affect any sensitive species associated with Fisher Creek.

Transmission Line Connection

Site development will include the connection of a 240-foot-long electric transmission line from the proposed site to an existing PG&E transmission tower north of the site, across Fisher Creek. This activity will require the crossing of an existing PG&E service road through Fisher Creek (Figures 2 and 3). Construction is expected to take less than 1 month and will occur during dry summer months, when water level and flow is low.

It is unlikely that limited traffic confined to the existing access road would adversely affect any sensitive species associated with Fisher Creek.

Tulare Hill Ecological Preserve Management

Mitigation activities associated with site development will also include active management of the Tulare Hill Ecological Preserve. Management of the Ecological Preserve will continue into perpetuity. The preserve management plan includes the grazing of Tulare Hill. The rancher will require access across the PG&E service road to manage his cattle (Figures 2 and 3). Access will include the use of a large cattle trailer and will primarily be limited to two seasonal events associated with the transport of cattle onto and off of Tulare Hill. -

Mitigation

The described activities within and near Fisher Creek will be temporary and will be confined to previously disturbed or unvegetated areas. It is unlikely that any mitigation such as revegetation will be necessary. All access will be limited to the maintained PG&E access road through Fisher Creek. The cleanup activities within and near the creek will be done manually and will not include substantial removal of vegetation.

The Fisher Creek riparian corridor will be enhanced with appropriate riparian tree and shrub vegetation as part of the Metcalf Energy Center project. Once construction and enhancement are complete, a conservation easement will be placed on the riparian corridor. This easement will be incorporated into the MEC Ecological Preserve for management and monitoring in perpetuity.


Name of Applicant: Steve De Young, Calpine Corp/Bechtel Ent.

Project Description
Please describe your project or activity in detail below and, if necessary, on separate attached pages.
Construction of Metcalf Energy Center (MEC) 600 megawatt natural gas-fired electric power plant with associated natural gas pipeline and electric transmission line.
See following pages for Fisher Creek-related project details.
<input checked="" type="checkbox"/> Continued on separate page(s)

I hereby certify that all information contained in this notification is true and correct and that I am authorized to sign this document. I understand that in the event this information is found to be untrue or incorrect, I may be subject to civil or criminal prosecution and the Department may consider this notification to be incomplete and/or cancel any Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand that this notification is valid only for the project described herein and that I may be subject to civil or criminal prosecution for undertaking a project that differs from the one described herein, unless I have notified the Department of that project in accordance with section 1601 or 1603 of the Fish and Game Code. I understand that a Department representative may need to inspect the property where the project described herein will take place before issuing a Lake or Streambed Alteration Agreement pursuant to this notification. In the event the Department determines that a site inspection is necessary, I hereby authorize the Department to enter the property where the project described herein will take place to inspect the property at any reasonable time and certify that I am authorized to grant the Department permission to access the property.

☐ I request the Department to first contact me at (insert telephone number)

to schedule a date and time to enter the property where the project described herein will take place and understand that this may delay the Department's evaluation of the project described herein.


Operator or Operator's Representative

7/31/2001
Date

For Department Use Only
Notification No.:
Date Received:
Fees enclosed? <input type="checkbox"/> Yes \$ <input type="checkbox"/> No
Notification Complete?
<input type="checkbox"/> Yes, 5-day letter sent on (date):
<input type="checkbox"/> No. Notification materials and application fee returned on (date):
Notes:

FG 2023 (Rev. 4/28/99)

ATTACHMENT B
STREAMBED ALTERATION AGREEMENT
WORK WINDOW EXTENSION AUTHORIZATION

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

ENFORCEMENT BRANCH

FISH AND GAME WARDEN MARK IMSDAHL
P.O. BOX 28431 SAN JOSE, CA 95159-8431
(408) 286-5078

REGION 3

TO: Steve De Young (Cal-Pine, Bechtel Corp.)

DATE: 11-05-2001

NOTIFICATION # R3 2001-0690

BY RECEIPT OF THIS SIGNED LETTER, YOUR STREAM ALTERATION
AGREEMENT # 2001-0690 IS HEREBY EXTENDED FOR THE TIME PERIOD
NOVEMBER 5, 2001 THRU NOVEMBER 9, 2001.

ALL PROVISIONS OF THE ORIGINAL AGREEMENT SHALL REMAIN IN
AFFECT AND WILL CONTINUE TO BE ENFORCED THROUGH THE ABOVE
EXTENDED TIME PERIOD.

SPECIAL ATTENTION IS DIRECTED TOWARD EROSION CONTROL
MEASURES.

SINCERELY,



MARK IMSDAHL

WARDEN #463

DEPT. OF FISH AND GAME

ATTACHMENT C
WILDLIFE SPECIES LIST

Wildlife Species Observed Durring CleanUp of the Metcalf Ecological Preserve
(November 1, 2001 to November 7, 2001)

Common Name	Scientific Name	Location
INSECTS		
Tarantula	<i>Eurypelma californicum</i>	TH
Buckeye butterfly	<i>Precis coenia</i>	TH
AMPHIBIANS AND REPTILES		
Pacific tree frog	<i>Hyla regilla</i>	TH
Arboreal salamander	<i>Aneides lugubris</i>	TH
Western fence lizard	<i>Sceloporus occidentalis</i>	TH
Southern alligator lizard	<i>Elgaria multicarinata</i>	TH
Western skink	<i>Eumeces skiltonianus</i>	TH
BIRDS		
Great blue heron	<i>Ardea heroides</i>	FC
Great egret	<i>Ardea alba</i>	FC
Green heron	<i>Butorides virescens</i>	FC
Canada goose	<i>Branta canadensis</i>	TH*
Mallard	<i>Anas platyrhynchos</i>	FC
Wood duck	<i>Aix sponsa</i>	FC
Northern harrier	<i>Circus cyaneus</i>	FC
White-tailed kite	<i>Elanus leucurus</i>	FC
Red-tailed hawk	<i>Buteo jamaicensis</i>	TH, FC
Golden eagle	<i>Aquila chrysaetos</i>	TH
Osprey	<i>Pandion haliaetus</i>	TH
Mourning dove	<i>Zenaida macroura</i>	TH
Rock dove	<i>Columba livia</i>	TH*
Hummingbird sp.		TH
Belted kingfisher	<i>Ceryle alcyon</i>	FC
Northern flicker	<i>Colaptes auratus</i>	FC, TH
Downy woodpecker	<i>Picoides pubescens</i>	FC, TH
Black phoebe	<i>Sayornis nigricans</i>	FC, TH
Say's phoebe	<i>Sayornis saya</i>	TH
Western scrub-jay	<i>Aphelocoma californica</i>	TH
Common raven	<i>Corvus corax</i>	TH
Bushtit	<i>Psaltiriparus minimus</i>	TH, FC
Location:		
TH- Tulare Hill		
FC- Fisher Creek riparian corridor		
Notes:		
* = flyby, or otherwise not utilizing area resources		

Wildlife Species Observed Durring CleanUp of the Metcalf Ecological Preserve
(November 1, 2001 to November 7, 2001) (Continued)

Common Name	Scientific Name	Location
BIRDS (continued)		
Bewick's wren	<i>Thryomanes bewickii</i>	FC
Rock wren	<i>Salpinctes obsoletus</i>	TH
Northern mockingbird	<i>Mimus polyglottos</i>	TH
White-crowned sparrow	<i>Zonotrichia leucophrys</i>	TH, FC
Song sparrow	<i>Melospiza melodia</i>	TH, FC
MAMMALS		
California ground squirrel	<i>Spermophilus beechyi</i>	TH, FC
Unidentified mouse	<i>Peromyscus spp.</i>	TH
Location: TH- Tulare Hill FC- Fisher Creek riparian corridor Notes: * = flyby, or otherwise not utilizing area resources		

APPENDIX E

WEAT Affidavits

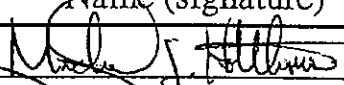

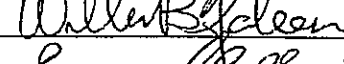
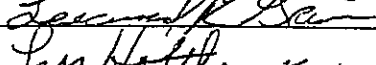
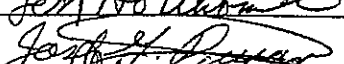
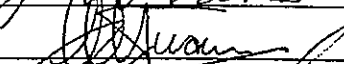
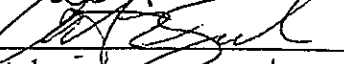

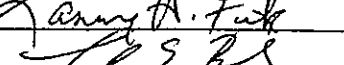
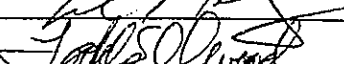
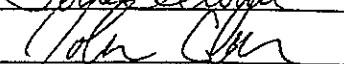
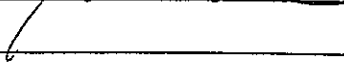

**METCALF ENERGY CENTER
ENVIRONMENTAL TRAINING
SIGN-IN SHEET**

(Biology, Archaeology, & Paleontology)

DATE: 11/28/01

PLEASE NOTE:

By signing below, I acknowledge that I have attended the Worker Environmental Awareness Training Program for the Metcalf Energy Center Project, and I agree to comply with all the environmental requirements presented.

Name (print)	Name (signature)	Company
Mike Holthouse		Top Grade
DAVID DAIGLE		TOP-GRADE
William B. Saffern		TOP-GRADE Co
Leonard R. Garcia		Top-GRADE
Len Holthouse		Top Grade
Jose O. Duran		TOP-GRADE
AL TUCKER		CALPINE
ART GONZALES		CALPINE
KRISTEN SITES		CALPINE
LANNY H. FISK		PaleoResource
Colin I. Busby		Basin Research Associates
Todd Ellwood		CH2M HILL
John Cleckler		CH2M HILL

Instructor/s: John Cleckler, Lanny Fisk, Colin Busby

90

THE WORKER ENVIRONMENTAL
AWARENESS TRAINING PROGRAM FOR THE
METCALF ENERGY CENTER

Presented by:

CH2M HILL

2485 Natomas Park Drive, Suite 600

Sacramento, California 95833

(916) 920-0300

By signing below, I acknowledge that I have attended Calpine's
Worker Environmental Awareness Training Program and agree
to comply with all the environmental requirements presented.

Signature: Mike Holt

Print Name: Mike Holt

Date: 11/28/01

Presentation Administered By: John Cleckler

PLEASE CUT HERE TO MAIL IN... THANK YOU!

THE WORKER ENVIRONMENTAL
AWARENESS TRAINING PROGRAM FOR THE
METCALF ENERGY CENTER

Presented by:

CH2M HILL

2485 Natomas Park Drive, Suite 600

Sacramento, California 95833

(916) 920-0300

By signing below, I acknowledge that I have attended Calpine's
Worker Environmental Awareness Training Program and agree
to comply with all the environmental requirements presented.

Signature: Daniel Daigle

Print Name: DAVID DAIGLE

Date: 11-28-01

Presentation Administered By: _____

THE WORKER ENVIRONMENTAL
AWARENESS TRAINING PROGRAM FOR THE
METCALF ENERGY CENTER

Presented by:

CH2M HILL

2485 Natomas Park Drive, Suite 600

Sacramento, California 95833

(916) 920-0300

By signing below, I acknowledge that I have attended Calpine's
Worker Environmental Awareness Training Program and agree
to comply with all the environmental requirements presented.

Signature:

Print Name:

Date:

Presentation Administered By:

MAIL IN ... YOU!

PLEASE CUT HERE TO MAIL IN... THANK YOU!

THE WORKER ENVIRONMENTAL
AWARENESS TRAINING PROGRAM FOR THE
METCALF ENERGY CENTER

Presented by:

CH2M HILL

2485 Natomas Park Drive, Suite 600

Sacramento, California 95833

(916) 920-0300

By signing below, I acknowledge that I have attended Calpine's
Worker Environmental Awareness Training Program and agree
to comply with all the environmental requirements presented.

Signature: Leonard R. Garcia

Print Name: Leonard R. Garcia

Date: 11-28-01

Presentation Administered By: _____

PLEASE CUT HERE TO MAIL IN...THANK YOU!

THE WORKER ENVIRONMENTAL
AWARENESS TRAINING PROGRAM FOR THE
METCALF ENERGY CENTER

Presented by:

CH2M HILL

2485 Natomas Park Drive, Suite 600

Sacramento, California 95833

(916) 920-0300

By signing below, I acknowledge that I have attended Calpine's
Worker Environmental Awareness Training Program and agree
to comply with all the environmental requirements presented.

Signature:

Leonard Holthouse

Print Name:

Leonard Holthouse

Date:

11-28-01

Presentation Administered By:

John C. Cletkier

PLEASE CUT HERE TO MAIL IN... THANK YOU!

**THE WORKER ENVIRONMENTAL
AWARENESS TRAINING PROGRAM FOR THE
METCALF ENERGY CENTER**

Presented by:

CH2M HILL

2485 Natomas Park Drive, Suite 600

Sacramento, California 95833

(916) 920-0300

By signing below, I acknowledge that I have attended Calpine's
Worker Environmental Awareness Training Program and agree
to comply with all the environmental requirements presented.

Signature: _____

Print Name: _____

Jose G. DURAN

Date: _____

11-28-2001

Presentation Administered By: _____

PLEASE CUT HERE TO MAIL IN... THANK YOU!

**THE WORKER ENVIRONMENTAL
AWARENESS TRAINING PROGRAM FOR THE
METCALF ENERGY CENTER**

Presented by:

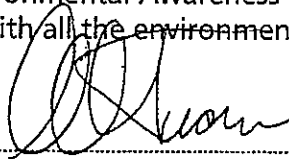
CH2M HILL

2485 Natomas Park Drive, Suite 600

Sacramento, California 95833

(916) 920-0300

By signing below, I acknowledge that I have attended Calpine's
Worker Environmental Awareness Training Program and agree
to comply with all the environmental requirements presented.

Signature: 

Print Name: AL TUCKER

Date: 11/28/01

Presentation Administered By: _____

A -

**THE WORKER ENVIRONMENTAL
AWARENESS TRAINING PROGRAM FOR THE
METCALF ENERGY CENTER**

Presented by:

CH2M HILL

2485 Natomas Park Drive, Suite 600

Sacramento, California 95833

(916) 920-0300

By signing below, I acknowledge that I have attended Calpine's Worker Environmental Awareness Training Program and agree to comply with all the environmental requirements presented.

Signature: _____

Print Name: _____

Date: _____

Presentation Administered By: _____

**THE WORKER ENVIRONMENTAL
AWARENESS TRAINING PROGRAM FOR THE
METCALF ENERGY CENTER**

Presented by:

CH2M HILL

2485 Natomas Park Drive, Suite 600

Sacramento, California 95833

(916) 920-0300

By signing below, I acknowledge that I have attended Calpine's
Worker Environmental Awareness Training Program and agree
to comply with all the environmental requirements presented.

Signature: Kristen Cipes

Print Name: KRISTEN CIPES

Date: 11/28/01

Presentation Administered By: _____

PLEASE CUT HERE TO MAIL IN... THANK YOU!

PLEASE CUT HERE TO MAIL IN...THANK YOU!

THE WORKER ENVIRONMENTAL
AWARENESS TRAINING PROGRAM FOR THE
METCALF ENERGY CENTER

Presented by:

CH2M HILL

2485 Natomas Park Drive, Suite 600

Sacramento, California 95833

(916) 920-0300

By signing below, I acknowledge that I have attended Calpine's
Worker Environmental Awareness Training Program and agree
to comply with all the environmental requirements presented.

Signature:

Lanny H. Fisk PhD

Print Name:

LANNY H FISK

Date:

20 November 2001

Presentation Administered By:

APPENDIX F

Compliance Verification Report

Figure 5. Daily Compliance Verification Report Form.

COMPLIANCE VERIFICATION REPORT		
Report Number:		
Project: Metcalf Energy Center (MEC)	Date: 11/12/01	11/13/01
Location: Ecological Preserve	Arrival time:	Departure time:
Responsible party: Steve DeYoung (Calpine)		
Compliance monitor: Todd Ellwood	Discipline: Biological Monitor	
Monitored mitigation measure: 100' riparian set back;		
Frequency of monitoring: Daily during clean-up activities		
Compliance criteria:		
Compliance:	<input type="checkbox"/> Acceptable	<input checked="" type="checkbox"/> Unacceptable:
		<input type="checkbox"/> Remedial action implemented
		<input type="checkbox"/> Require work stop
		<input checked="" type="checkbox"/> Follow-up required
Activity: Clean-up contractor worked within Ecological Preserve without an on-site Biological Monitor		
Observations: Conversation revealed that riparian vegetation was removed; work in rain; violation of 100' riparian corridor setback		
Recommendations: always notify CH2M Hill Biological Monitor of work schedule at the MEC. Biological Monitor must be on-site during all activities in / near sensitive resource areas.		
Report approval:		
Print name: Todd Ellwood	Signature: Todd Ellwood	
Receipt acknowledged by resident construction supervisor:		
Print name: Art Gonzalez	Signature: [Signature]	
Date: 12/6/01	Time: 3:05	
Comments/Actions: followed Recommendation of Mr. Todd Ellwood		
Data entered into Monthly Monitoring Report:		

CONDITIONS OF CERTIFICATION BIO-6, CUL-5, PAL-3

METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT #2

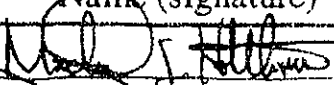

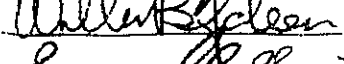
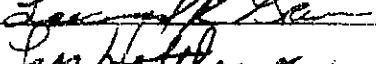
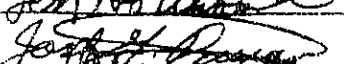

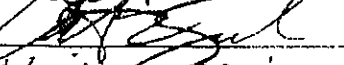

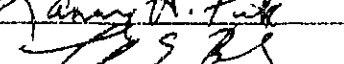


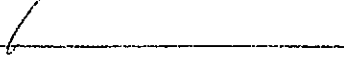
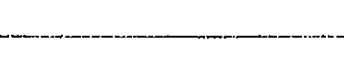
METCALF ENERGY CENTER ENVIRONMENTAL TRAINING SIGN-IN SHEET

(Biology, Archaeology, & Paleontology)

DATE: 11/28/01

PLEASE NOTE:

By signing below, I acknowledge that I have attended the Worker Environmental Awareness Training Program for the Metcalf Energy Center Project, and I agree to comply with all the environmental requirements presented.

Name (print)	Name (signature)	Company
Mike Holthouse		Top Grade
DAVID VAIGLY		TOP-GRADE
William B SLEEN		Top-Grade Co
Leonard R Garcia		Top-Grade
Len Holthouse		Top Grade
Jose O. Duran		TOP GRADE
AL TUCKER		CALPINE
ART GONZALES		CALPINE
KRISTEN SIDES		CALPINE
Lanny H. Fisk		PaleoResource
Colin I. Busby		Basin Research Associates
Todd Ellwood		CH2M HILL
John Clecker		CH2M HILL

Instructor/s: _____

CONDITION OF CERTIFICATION CUL-8

METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT #2

Memo

To: Kristen Sipes

From: Colin I. Busby

Date: 12/13/2001

Re: Metcalf Energy Center

Please let this memo serve as Basin Research Associates' report of November 2001 activities associated with the pre-construction preparations for the Metcalf Energy Center.

Our activities were primarily focused on responding to CH2M Hill requests for reviews, input and corrections to the Worker's Environmental Training materials and the Cultural Resources Mitigation Monitoring Plan (CRMMP). A list of cultural resource items that should be treated programmatically was developed and transmitted to the CEC for review during the first week of November. Once the list review is complete, it will be integrated into the CRMMP and the CRMMP issued for final review by the CEC. It is our understanding that the review of the "list" will be issued shortly.

Basin Research Associates also prepared for and participated in an on-the-job site training session on November 28 as part of the worker environmental training for the Top Grade excavation crew.

CONDITION OF CERTIFICATION SOCIO-1

**METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT #2**

SOCIO-1: List of planned procurement of materials or hiring outside the local regional area during the next two months.

Material/equipment	Manufacturer	Point of Origin	Reason
Cooling towers	Marley	Kansas (may also include other locations throughout the United States)	Not available locally
Boiler Feed Pumps	Sulzer	Germany (manufacturer)	Not available locally
Boiler Feed Pumps	Chalfont	Pennsylvania (international supplier)	Not available locally
Distributed Control System	Alfaraetta	Georgia	Manufactured located outside of the area
Construction Switch Gear	General Electric Industrial Systems	California	Manufactured located outside of the area

List of material previously purchased

Material/equipment	Manufacturer	Point of Origin	Reason
Piling	Wilson Supply	Provo, Utah Seoul, South Korea	Manufactured located outside of the area
Circulation Water Pipe	Labarge Pipe & Steel Company	Wagner, Oklahoma	Manufacturer located outside of the area
Power Cable	Wholesale Electric Supply & Paige Electric Company	United States	Manufacturer located outside of the area
Three-phase Transformers	GE – Prolec	Monterrey, Mexico	Cost

CONDITION OF CERTIFICATION GEN-3

**METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT #2**



FILE

INVOICE

2399 Gateway Oaks Drive, Suite 210

021-6400

Sacramento, CA 95833

Page 1 of 1

(916) 924-7000

Invoice Date:

To: Mr. Nick LaPorte

Revised 19-Oct-01

Calpine

4160 Dublin Boulevard, 2nd Floor

Dublin, CA 94568

Project/Org.#

13254/02-140

FOR PROFESSIONAL SERVICES PROVIDED THROUGH 9/27/01**Metcalf Energy Center****Phase 1000 - General CBO Duties**

		Hours	Rate	Amount
Senior Plans Examiner	David Newman	15.0	\$85	\$1,275.00
Deputy Building Official	Hans Kosten	98.5	\$126 (\$120+5%)	\$12,411.00
Principal Engineer	Win Westfall	4.0	\$135	\$540.00
Chief Building Official	James M. Guerra	15.0	\$105	\$1,575.00
Chief Building Official	Don Wimberley	2.5	\$105	\$262.50

Phase 2000 - Civil

Senior Engineer	Gail Winton	11.0	\$105	\$1,155.00
Senior Plans Examiner	David Newman	9.0	\$85	\$765.00

Phase 2999 - Civil, Arroyo Geotechnical

Chief Geotechnical Engineer	Leonard Evans	9.5	\$125	\$1,187.50
Division Manager	Douglas Santo	7.0	\$130	\$910.00

TOTAL AMOUNT DUE: \$20,081.00

Purchase Order # _____

GL Bus. Unit _____

GL Account # _____

Department # 1012135

Project ID CA 0004-03

Project Mgr. _____ Date _____

Dept. Mgr. _____ Date _____

Please remit to:

WILLDAN

P.O. Box 25385

Santa Ana, CA 92799-5385

Terms: Accounts are payable within 15 days unless special arrangements are made.

A service charge of 1.5% per month may be levied on overdue unpaid balances.

CLIENT ORIGINAL

GALPINE CORPORATION

50 West San Fernando Street, San Jose, CA 95131

Vendor ID

Check Date

Check No.

Invoice Number: 02156400 Invoice Date: 10/19/2001 Business Unit: MECLC - 00000081 Gross Amount: 20,081.00 Discount: 0.00 Paid Amount: 20,081.00

02156400
WRO

10/19/2001 MECLC -

00000081 20,081.00 0.00 20,081.00

Post-it® Fax Note 7671		Date 12-13	# of pages 1
To Kristen Sipes		From David Newman	
Co./Dept.		Co.	
Phone #		Phone #	
Fax # (425) 479-7308		Fax #	

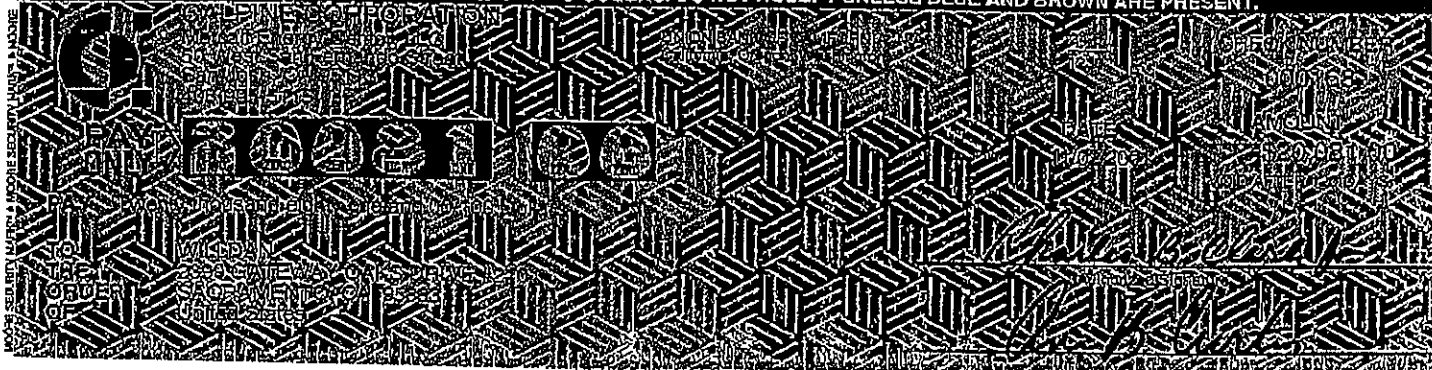
Project # 13254
Receipt 02-140

Vendor Name WILLOAN

Total Amount Paid 20,081.00

REMOVE DOCUMENT ALONG THIS PERFORATION

THIS DOCUMENT IS PRINTED IN TWO COLORS. DO NOT ACCEPT UNLESS BLUE AND BROWN ARE PRESENT.



CONDITION OF CERTIFICATION WASTE-1

METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT #2

**United States Environmental Protection Agency
Region 9
75 Hawthorne Street, (WST-6)
San Francisco, CA 94105**

May 3, 2001

Mr Steve De Young, Env Mgr
Metcalf Energy Center
6700 Koll Center Pkwy
Pleasanton, CA 94566

The US Environmental Protection Agency (EPA) has assigned an EPA Identification (ID) Number to your location. EPA has assigned this ID number in response to the Notification of Regulated Waste Activity Form (Form 8700-12) received from your installation on May 3, 2001.

By submitting the Form 8700-12, your installation has notified the EPA of the Resource Conservation and Recovery Act (RCRA) regulated waste activities shown below in accordance with Section 3010 of RCRA. The EPA ID number for this location is also referred to as a 'RCRA ID number' and is to be used on transport manifests and any other hazardous waste management documents required under Subtitle C of RCRA.

The following RCRA ID Number: CAR000096156
is assigned to: Metcalf Energy Center
Monterey Rd Between Bianchard Rd And Metcalf Rd
San Jose, CA 95013

EPA has listed your status as:

Small Quantity Generator

For assistance with questions regarding RCRA regulations, call the National RCRA Hotline at (800) 424-9346. For assistance with any other questions, or if you need a current version of the EPA Notification of Regulated Waste Activity Form (Form 8700-12) please contact:

U.S. EPA Region 9
RCRA Notifications
75 Hawthorne Street
(WST-6/Tetra Tech)
San Francisco, CA 94105
Phone: (415) 495-8895

PRE-CONSTRUCTION COMPLIANCE MATRIX

METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT #2

METCALF ENERGY CENTER **CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX**

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
AQ-39	With in 180 days of the issuance of the Authority to Construct for the MEC, the Owner/Operator shall contact the BAAQMD Technical Services division regarding requirements for the continuous monitors, sampling ports, platforms, and source tests required by conditions 27, 30, 31, 33 & 47. All source testing and monitoring shall be conducted in accordance with the BAAQMD Manual of Procedures. (Regulation 1-501)	With in 180 days of the issuance of the Authority to Construct for the MEC, the Owner/Operator shall contact the BAAQMD Technical Services division. The owner/operator shall notify the CEC CPM at least seven (7) working days before these contacts are made.	180 days after issuance of Authority to Construct	12/19/2001			Not started
AQ-40	Demonstrate valid emission reduction credits in the amount of 212.75 tons/year of NOx and 28 tons/yr of POC or equivalent as defined by District Regulations 2-2-302.1 and 2-2-302.2 are under enforceable contracts or option to purchase agreements or equivalent binding legal documents. (offsets)	No more than 30 days after the issuance of an Authority to Construct, the Owner/Operator shall provide a copy of the ATC to the CEC CPM for review.	30 days after Issuance of Authority to Construct	12/19/2001			In progress
AQ-41	Provide to District valid emission reduction credit banking certificates in the amount of 212.75 tons/yr of NOx and 28 tons/yr of POCs or equivalent as defined by Regulations 2-2-302.1 and 2-2-302.2. (offsets, CEC)	At least 30 days prior to the start of construction, the owner/operator must submit a copy of the required offset or emission reduction credit (ERCs) certificates to the CEC CPM.	30 days prior to Start of Construction	12/19/2001			In progress
AQ-42	Submit an application to the BAAQMD for a major facility review permit within 12 months of the issuance of the PSD permit for the MEC. (Regulation 2-5-404.1)	Submit an application to BAAQMD major facility review permit. The owner/operator shall notify the CEC CPM of the submittal of this application.	360 days after Issuance of PSD Permit	12/19/2001			Not started
AQ-42	Submit an application to the BAAQMD for a major facility review permit within 12 months of the issuance of the PSD permit for the MEC. (Regulation 2-5-404.1)	In addition, the owner/operator shall submit to the CPM a copy of the Federal (Title V) Operating Permit within 30 days after it is issued by the District.	144 days after Issuance of PSD Permit	12/19/2001			Not started
AQ-48	Implement a CPM approved Fugitive Dust Control Plan during construction. Refer to AQ 48 for specific requirements.	Not later than sixty (60) days prior to the commencement of construction, the project owner shall submit the plan to the CEC CPM for review and approval.	60 days prior to Start of Construction	12/19/2001	6/12/2001	10/12/2001	Complete
AQ-49	During construction owner shall: 1. Prevent or remove within 1-hour the track-out of bulk material into public paved roads as a result of their operations or take actions listed in Table 2 to prevent and/or remove this material (when track-out extends more than 50 feet onto public roads. 2. Install and use a track-out control device to prevent the track-out of bulk material from areas containing soils requiring corrective action (see Drawing No. 5-1) 3. Minimize fugitive particulate emission from vehicular traffic (on-site paved roads and paved parking areas) by vacuum mechanical sweeping or water flushing of road surface to remove buildup of loose material. Daily inspections of conditions mandated.	The project owner shall maintain a daily log during the construction phase of the project indicating: 1) the manner in which compliance with AQ-2 is achieved and 2) the date and time when the inspection of paved roads and parking lots occurs and the date and time(s) when the cleaning operation occurs. The logs shall be made available to the CEC CPM upon request.	Start of Construction	12/19/2001			In progress
AQ-50	At any time when fugitive dust from Metcalf Energy Center project construction is visible in the atmosphere beyond the property line, the project owner will identify the source of the fugitive dust and implement one or more of the appropriate control measures specified in Table 3.	The project owner will maintain a daily log recording the dates and times that measures in Table 3 (attached) have been implemented and make them available to the CEC CPM upon request.	Start of Construction	12/19/2001			In progress
AQ-51	Prior to the start of construction, the Metcalf Energy Center owner/operator must provide the District with valid ERC certificates for PM10 for the amount of 29.21 tons per year and for VOC for the amount of 124.2 tons per year from the sources noted in Condition 51. This portion of required PM10 and VOC ERCs and offsets are to be provided in addition to the requirements of Condition 41.	At least 30 days prior to the start of construction, the project owner must submit a copy of the required ERC certificates to the CPM and the District.	30 days prior to Start of Construction	12/19/2001			In progress

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
AQ-52	The project owner shall mitigate, to the extent practical, construction related emission impacts from off-rad, diesel fired construction equip. Available mitigation measures include: catalyzed diesel particulate filters, ultra-low-sulfur diesel fuel, (S < 15 ppm), diesel engines certified to EPA/CARB 1996 or newer standards, limit idle time (to extent practical) to <10 minutes. Construction Mitigation Mgr. (CMM), available at the project site, will determine (in advance) the use of each mitigation measure. The CMM must be approved by the CPM prior to submission of reports. The CMM shall submit the following to the CPM for approval: Const. Mitigation Plan, Reports of Change/Mitigation Implementation, Reports of Emergency Termination of Mitigation, as necessary. Details of Plans shown in Condition AQ-52.	Submit to the CPM for approval the qualifications of the CMM at least 45 days prior to due date for diesel construction equipment.	45 days prior to breaking ground	11/12/2001	8/27/2001	9/27/2001	Complete
AQ-52	The project owner shall mitigate, to the extent practical, construction related emission impacts from off-rad, diesel fired construction equip. Available mitigation measures include: catalyzed diesel particulate filters, ultra-low-sulfur diesel fuel, (S < 15 ppm), diesel engines certified to EPA/CARB 1996 or newer standards, limit idle time (to extent practical) to < 10 minutes. Const. Mitigation Mgr. (CMM), available at the project site, will determine (in advance) the use of each mitigation measure. The CMM must be approved by the CPM prior to submission of reports. The CMM shall submit the following to the CPM for approval: Const. Mitigation Plan, Reports of Change/Mitigation Implementation, Reports of Emergency Termination of Mitigation, as necessary. Details of Plans shown in Condition AQ-52.	Submit Construction Equipment Mitigation Plan 30 days prior to rough grading or construction of linear facilities.	30 days prior to breaking ground	11/12/2001	9/7/2001	9/27/2001	Complete
WORKER SAFETY-1	The project owner shall submit to the CPM a copy of the Project Construction Safety and Health Program, containing the following: A Construction Injury and Illness Prevention Program, A Construction Fire Protection and Prevention Plan, A Personal Protective Equipment Program, The Construction Injury and Illness Prevention Program and the Personal Protective Equipment Program shall be submitted to the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) Consultation Service, for review and comment concerning compliance of the program with all applicable Safety Orders. The Construction Fire Protection and Prevention Plan shall be submitted to the city of San Jose Fire Department for review and acceptance.	At least 30 days prior to the start of construction, or a date agreed to by the CPM, the project owner shall submit to the CPM a copy of the Project Construction Safety and Health Program and the Personal Protective Equipment Program, with a copy of the cover letter transmittal of the programs to Cal/OSHA Consultation Service.	30 days prior to start of Construction	12/19/2001	9/27/2001		Submitted
WORKER SAFETY-1	The project owner shall submit to the CPM a copy of the Project Construction Safety and Health Program, containing the following: A Construction Injury and Illness Prevention Program, A Construction Fire Protection and Prevention Plan, A Personal Protective Equipment Program, The Construction Injury and Illness Prevention Program and the Personal Protective Equipment Program shall be submitted to the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) Consultation Service, for review and comment concerning compliance of the program with all applicable Safety Orders. The Construction Fire Protection and Prevention Plan shall be submitted to the city of San Jose Fire Department for review and acceptance.	At least 30 days prior to the start of construction, or a date agreed to by the CPM, the project owner shall submit to the CPM a letter from the San Jose Fire Department stating that they have reviewed and accepted the Construction Fire Protection and Prevention Plan.	45 days prior to start of Construction	12/19/2001	7/31/2001		In progress

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
WORKER SAFETY-3	The project owners shall reach an agreement with the City of San Jose Fire Department, through the City of San Jose Community Facilities District, on the amount of fees and timing of payment they will provide to cover project-specific impacts associated with worker safety and fire protection. If an agreement cannot be reached at least 60 days prior to construction, the project owner will inform the CPM and propose a plan to mitigate impacts on fire services. The plan shall include interim funding of an additional fire station, staffing, equipment, one engine, truck; requirements for water main distribution lines, public water lines, public (off-site) and private (onsite) fire hydrants. Within 60 days the CPM in consultation with the parties will propose an interim fee schedule for payment by the project owners.	Not later than 60 days prior to any ground disturbance, the project owners shall provide the CPM with a copy of an agreement with the City of San Jose Fire Department or shall provide an interim plan to address impacts until a permanent agreement can be reached.	60 days prior to ground disturbing activity	11/12/2001	7/20/2001		Submitted
WORKER SAFETY-3	The project owners shall reach an agreement with the City of San Jose Fire Department, through the City of San Jose Community Facilities District, on the amount of fees and timing of payment they will provide to cover project-specific impacts associated with worker safety and fire protection. If an agreement cannot be reached at least 60 days prior to construction, the project owner will inform the CPM and propose a plan to mitigate impacts on fire services. The plan shall include interim funding of an additional fire station, staffing, equipment, one engine, truck; requirements for water main distribution lines, public water lines, public (off-site) and private (onsite) fire hydrants. Within 60 days the CPM in consultation with the parties will propose an interim fee schedule for payment by the project owners.	If an agreement cannot be reached at least 60 days prior to construction, the project owner will inform the CPM and propose a plan to mitigate impacts on fire services.	60 days prior to ground disturbing activity	11/12/2001	7/20/2001		Submitted
WASTE-3	Prepare and submit to the CPM, for review and comment, a waste management plan for all wastes generated during construction and operation of the facility, respectively. Plans shall contain, at a minimum, the following: <input type="checkbox"/> A description of all waste streams, including projections of frequency, amounts generated and hazard classifications; and <input type="checkbox"/> Methods of managing each waste, including treatment methods and companies contracted with for treatment services, waste testing methods to assure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/reduction plans.	No less than 60 days prior to the start of construction, the project owner shall submit the construction waste management plan to the CPM for review.	60 days prior to start of construction	12/19/2001	6/12/2001	7/27/2001	Complete
WASTE-4	The project owner shall have a Registered Professional Engineer or Geologist, with experience in remedial investigation and feasibility studies, available for consultation during soil excavation and grading activities. The Registered Professional Engineer or Geologist shall be given full authority to oversee any earth moving activities that have the potential to disturb contaminated soil.	At least 30 days prior to the start of construction, the project owner shall submit the qualifications and experience of the Registered Professional Engineer or Geologist to the CPM for approval.	30 days prior to ground disturbing activity	11/12/2001	8/1/2001	8/16/2001	Complete
WASTE-6	The project owner shall obtain a Hazardous Material Clearance Form from the Santa Clara County Hazardous Materials Compliance Division.	Prior to the start of construction, the project owner shall provide an approved copy of the Santa Clara County Hazardous Materials Compliance Division's Hazardous Material Clearance Form to the CPM.	Prior to start of Construction	12/19/2001			In progress - Submitted form to County.
WASTE-7	The project owner shall perform additional limited investigations to fully characterize the site, including sampling soil in the area of the former asbestos containing material (ACM) piles to confirm that ACM is no longer present, sampling of the contents of the unlabeled drums and above ground storage tanks, and sampling of areas previously identified as inaccessible in the Phase II ESA.	Prior to the start of construction, the project owner shall submit analytical results of the additional sampling to the CPM as a ESA Addendum.	Prior to start of construction	12/19/2001			In progress
WASTE-8	All site debris, including stockpiles, drums, automotive debris, storage sheds, and living quarters, shall be removed from the site as soon as possible after the project owner has control of the site.	The project owner shall notify the CPM in writing within ten days of removal of site debris.	10 days after removal of site debris	10/8/2001	9/10/2001	10/2/2001	Complete

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
LAND-2	<p>The project owner shall landscape the parking area consistent with the "Orchard Planting" Guidelines of the North Coyote Valley Campus Industrial Area Master Development Plan.</p> <p>The project owner shall design and construct the project to satisfy the setback requirements. Setbacks are 100 feet for all buildings and structures and 50 feet for all uncovered off-street parking areas. Southern property line - 70 foot setback for all buildings and structures and 15 feet for uncovered off-street parking areas; no project facilities or structures within 32 feet from the site boundary along the Union Pacific ROW. See Land-3 for set back distances in this area by facility unless agreed to by CPM in consultation with City of San Jose.</p> <p>Submit to the CPM final design plans demonstrating that the specified setbacks will be provided. The project owner shall not start construction of the project until the project owner receives written approval of the final design plans from the CPM. When the project owner has surveyed the property to mark the boundaries of the specified facilities and structures, the project owner shall notify the CPM that the boundaries are available for inspection. The project owner shall not start construction of the specified facilities and structures until the CPM has approved the boundaries.</p>	At least thirty (30) days prior to the start of construction of the power plant, the project owner shall submit to the City of San Jose for review and comment and to the CPM for approval a revised landscape plan demonstrating that the landscaping within the parking area is consistent with the North Coyote Valley Campus Industrial Area Master Development Plan guidelines.	30 days prior to start of Construction	12/19/2001			In progress
LAND-3	<p>The project owner shall design and construct the project to satisfy the setback requirements. Setbacks are 100 feet for all buildings and structures and 50 feet for all uncovered off-street parking areas. Southern property line - 70 foot setback for all buildings and structures and 15 feet for uncovered off-street parking areas; no project facilities or structures within 32 feet from the site boundary along the Union Pacific ROW. See Land-3 for set back distances in this area by facility unless agreed to by CPM in consultation with City of San Jose.</p> <p>Submit to the CPM final design plans demonstrating that the specified setbacks will be provided. The project owner shall not start construction of the project until the project owner receives written approval of the final design plans from the CPM. When the project owner has surveyed the property to mark the boundaries of the specified facilities and structures, the project owner shall notify the CPM that the boundaries are available for inspection. The project owner shall not start construction of the specified facilities and structures until the CPM has approved the boundaries.</p>	At least sixty (60) days prior to the start of construction, the project owner shall submit the final design plans to the CPM for approval. When the boundaries of the specified facilities and structures have been marked, the project owner shall notify the CPM that the boundaries are ready for inspection.	60 days prior to start of construction	12/19/2001	9/20/2001	10/17/2001	Complete
LAND-3	<p>The project owner shall design and construct the project to satisfy the setback requirements. Setbacks are 100 feet for all buildings and structures and 50 feet for all uncovered off-street parking areas. Southern property line - 70 foot setback for all buildings and structures and 15 feet for uncovered off-street parking areas; no project facilities or structures within 32 feet from the site boundary along the Union Pacific ROW. See Land-3 for set back distances in this area by facility unless agreed to by CPM in consultation with City of San Jose.</p> <p>Submit to the CPM final design plans demonstrating that the specified setbacks will be provided. The project owner shall not start construction of the project until the project owner receives written approval of the final design plans from the CPM. When the project owner has surveyed the property to mark the boundaries of the specified facilities and structures, the project owner shall notify the CPM that the boundaries are available for inspection. The project owner shall not start construction of the specified facilities and structures until the CPM has approved the boundaries.</p>	At least sixty (60) days prior to the start of construction, the project owner shall submit the final design plans to the San Jose review and comment.	Start of Construction	12/19/2001	9/20/2001	10/17/2001	Complete

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
LAND-5	<p>Acquire from the property owners (Passantino) immediately south of the MEC site a restrictive covenant agreement running with title that establishes a strip of land one hundred thirty (130) feet in width as a building setback (the "Setback Area"), beginning at the southern MEC property line. Such covenant shall ensure that no buildings or other permanent structures shall be constructed, installed or maintained within the Setback Area in violation of the applicable ordinances, plans, and regulations of the City of San Jose. Such covenant shall not prohibit the construction, installation, or maintenance of roads, driveways, parking areas, landscaping, fencing, lighting and utility facilities, signs, temporary trailers, farm-related fixtures, or other improvements as may be permitted by the applicable ordinances, plans, and regulations of the City of San Jose. Further, the project owner shall acquire an easement (the Open Space Easement) on a strip of land approximately thirty (30) feet in width along the northern boundary of the Lands of Passantino. The Open Space Easement area shall remain in agricultural production.</p>	<p>At least ninety (90) days prior to the start of construction of the power plant, the project owner shall submit to the CPM a recorded copy of the Restrictive Covenant and Easement Agreement that establishes the Setback Area and Open Space Easement.</p>	90 days prior to start of construction	12/19/2001	6/12/2001	9/14/2001	Complete
LAND-6	<p>Ensure the protection of soil while using agricultural land as a construction laydown and parking area. When the agricultural land is no longer needed as a construction laydown and parking area, but no later than the start of commercial operation of the power plant, restore the soil to its natural state for agriculture.</p> <p>In parking and heavy traffic areas and those areas used for temporary facilities, protective measures shall include but not necessarily be limited to: covering the existing soil with a woven geotextile separator layer to protect underlying top soil; adding an additional layer of structural geogrid over the separator fabric in heavy traffic areas; and covering the geotextile layer with 8 to 12 inches of granular fill. After use, remove the granular fill and geotextile/ geogrid and till the soil to thoroughly aerate and remove all soil compaction.</p> <p>In those areas where heavy traffic protection is not required and soil conditions permit, laydown materials shall be placed on appropriate wood dunnage. After use, remove the wood dunnage and materials and till the soil to thoroughly aerate and remove all soil compaction.</p>	<p>At least thirty (30) days prior to the delivery of construction materials to the power plant laydown area, the project owner shall notify the CPM that the protective measures stated above will be applied prior to the delivery of any construction materials.</p> <p>At least sixty (60) days prior to construction of the pipelines, the project owner shall submit to the CPM a detailed map showing the location of any planned laydown areas along the pipeline routes and photographs of the areas.</p>	<p>30 days prior to first delivery of construction materials</p> <p>60 days prior to construction of pipelines</p>	11/12/2001	9/19/2001	9/21/2001	Complete
LAND-7	<p>The project owner shall ensure that any additional construction laydown areas needed along all pipeline routes are located within existing paved or gravel areas.</p>	<p>At least sixty (60) days prior to construction of the water supply and wastewater discharge pipelines the project owner shall submit to the CPM for review and approval a site plan that shows the precise alignment of the pipelines in relation to existing orchard trees. The site plan shall clearly delineate the width of the pipeline construction corridor.</p>	60 days prior to construction of pipelines	12/1/2001			Not started
LAND-9	<p>Route the water supply and wastewater discharge pipelines through open agricultural areas to avoid the direct loss of orchard trees.</p>	<p>At least seven (7) days prior to ground disturbing activities related to pipeline construction, the project owner shall notify the CPM that stakes have been installed to delineate the boundaries of the pipeline corridor and the route is ready for inspection.</p>	7 days prior to start of ground disturbing activities related to pipeline construction	12/1/2001			Not started
LAND-9	<p>Route the water supply and wastewater discharge pipelines through open agricultural areas to avoid the direct loss of orchard trees.</p>						Not started

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
LAND-10	During pipeline construction, stockpile excavated topsoil separate from subsoil in agricultural areas. Backfill the trenches in a manner that minimizes the alteration of the original soil order.	At least thirty (30) days prior to ground disturbance related to pipeline construction, the project owner shall submit a description of the procedure to minimize alteration of original soil stratigraphy.	30 days prior to start of ground disturbing activities related to pipeline construction	12/1/2001			Not started
LAND-10	During pipeline construction, stockpile excavated topsoil separate from subsoil in agricultural areas. Backfill the trenches in a manner that minimizes the alteration of the original soil order.	At least seven (7) days prior to trenching, the project owner shall notify the CPM of the schedule for trenching.	7 days prior to trenching for pipeline	12/1/2001			Not started
LAND-10	During pipeline construction, stockpile excavated topsoil separate from subsoil in agricultural areas. Backfill the trenches in a manner that minimizes the alteration of the original soil order.	Within seven (7) days after the start of trenching, the project owner shall submit photographs to the CPM that demonstrates that the topsoil has been kept separate from the subsoil.	7 days after trenching for pipeline	12/1/2001			Not started
LAND-11	The project owner shall design and construct the project to meet the following height requirements, unless otherwise agreed to by the CPM in consultation with the City of San Jose: The heat recovery steam generator stacks shall be limited to 145 feet above finished grade.	At least sixty (60) days prior to the start of construction, the project owner shall submit the final design specifications to the CPM for review and approval.	60 days prior to start of construction	12/19/2001	9/20/2001		Submitted
TRANS-4	The project owner shall enter into a Crossing Agreement with UPRR which provides for the design and installation of railroad grade crossing warning equipment (gates and signals) at the railroad crossing for Blanchard Road in accordance with UPRR and PUC design standards. If the warning equipment is not installed prior to the start of site preparation or earth moving activities, then the project owner shall implement temporary safety measures as specified by UPRR in the Crossing Agreement, including the stationing of flag persons at the crossing. These temporary measures shall stay in place until the permanent equipment is installed. Refer to TRANS 4 for additional details.	If the permanent crossing warning equipment is not expected to be in place prior to initiation of site preparation or earth moving activities, then the project owner shall submit a traffic plan for the railroad crossing to UPRR for review and approval at least 60 days in advance of any site preparation or earth moving activities.	60 days prior to site preparation	11/12/2001		8/16/2001	Complete
TRANS-4	The project owner shall install railroad grade crossing warning equipment (gates and signals) at the railroad crossing for Blanchard Road in accordance with UPRR and local/federal agency design standards. If the warning equipment is not installed prior to the start of site preparation or earth moving activities, then the project owner shall install temporary measures, including the stationing of flag persons, to the satisfaction of the PUC and UPRR. These temporary measures shall stay in place until the permanent equipment is installed. Refer to TRANS 4 for additional details.	The project owner shall submit the executed Crossing Agreement for the grade crossing warning equipment (gates and signals) and plans for temporary measures to the CPM for approval.	60 days prior to site preparation	11/12/2001	8/16/2001	8/16/2001	Complete
TRANS-5	Prior to site preparation, the project owner shall consult with Santa Clara Co., San Jose, and Caltrans & prepare a Const. Traffic Control Plan (CTCP) and implementation program which address the following for linears: 1. Timing of peak line const. (traffic control measures including, but not limited to, having construction of portions of the p-line take place at night or on w-ends to avoid traffic flow disruptions), 2. Signing, lighting, & traffic control device placement, 3. Temporary travel lane closures (outside of peak hours of 6-9 am and 4-7 pm, unless approved by the agencies), 4. Maintaining access to adjacent residential and commercial properties, 5. Emergency access. Prepare a CTCP and implementation program which address the following issues for power plant const. 6. Establishing const. work hours outside of peak traffic periods, 7. Timing of heavy vehicle equipment and building materials deliveries and, 8. Off-street employee parking in const. areas during peak const.	At least 30 days prior to start of site preparation or earth moving activities, the project owner shall provide to Santa Clara County, City of San Jose and Caltrans for review and comment, and to the CPM for review and approval, a copy of their construction traffic control plan and implementation program.	30 days prior to start of construction	12/19/2001		10/24/2001	Complete

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
TRANS-6	Following completion of construction of the power plant and all related facilities, the project owner shall repair roadways to original or as near original condition as possible. Refer to TRANS 6 for further details	Prior to start of site preparation or earth moving activities, the project owner shall photograph, videotape, or digitally record images of Monterey Road between Melcalf Road and Blanchard Road. The project owner shall provide the CPM, Santa Clara County and Caltrans with a copy of these images.	Start of Construction	12/19/2001	8/9/2001	8/13/2001	Complete
TRANS-6	Following completion of construction of the power plant and all related facilities, the project owner shall repair roadways to original or as near original condition as possible. Refer to TRANS 6 for further details	Prior to start of site preparation or earth moving activities, the project owner shall photograph, videotape, or digitally record images of sections of public roadways that will be affected by water and wastewater pipeline construction. The project owner shall provide the CPM, Santa Clara County and Caltrans with a copy of these images.	Start of ground disturbing activities related to pipeline construction	12/1/2001			Not started
TRANS-6	Following completion of construction of the power plant and all related facilities, the project owner shall repair roadways to original or as near original condition as possible. Refer to TRANS 6 for further details	At least 60 days prior to start of site preparation or earth moving activities, the project owner shall notify Caltrans about the schedule for project construction.	60 days prior to site preparation	11/1/2001	8/9/2001	8/13/2001	Complete. Will resubmit schedule.
TRANS-7	Prior to start of site preparation or earth moving, the project owner shall prepare and submit a parking and staging plan for all phases of project construction to the City of San Jose and Santa Clara County for review and comment and to the CPM for approval. During construction of the power plant and all related facilities, the project owner shall manage the on-site construction-period parking.	At least 60 days prior to start of site preparation or earth moving, the project owner shall submit the parking and staging plan to the City of San Jose and Santa Clara County for review and comment, and to the CPM for approval.	60 days prior to start of construction	12/19/2001	10/2/2001	10/24/2001	Complete
NOISE-1	At least 15 days prior to the start of rough grading, and 15 days before steam blows, the project owner shall notify all residents and business entities within one mile of the site, by mail or other effective means, of the commencement of project construction. At the same time, the project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the project. If the telephone is not staffed 24 hours per day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the project site during construction in a manner visible to passersby. This telephone number shall be maintained until the project has been operational for at least one year.	Notify residents and establish post telephone number as described in Requirements & Task Summary	15 days prior to start of rough grading	11/12/2001	10/3/2001		In progress. (Letter approved and sent. Sign to be posted as soon as possible.)
NOISE-1	At least 15 days prior to the start of rough grading, and 15 days before steam blows, the project owner shall notify all residents and business entities within one mile of the site, by mail or other effective means, of the commencement of project construction. At the same time, the project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the project. If the telephone is not staffed 24 hours per day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the project site during construction in a manner visible to passersby. This telephone number shall be maintained until the project has been operational for at least one year.	The project owner shall transmit to the Compliance Project Manager (CPM) in the first monthly construction report following the start of rough grading, a statement signed by the project manager attesting that the above notification has been performed, describing the method of that notification, and including a sample letter, poster or other notice, as appropriate. This statement shall also attest that the telephone number has been established and posted at the power plant site.	Monthly Construction Report Following the Start of Rough Grading	11/12/2001			In progress
NOISE-3	Prior to the start of project construction, the project owner shall submit to the CPM for review a Noise Control Program. The noise control program shall be used to reduce employee exposure to high noise levels during construction and also to comply with applicable OSHA standards.	At least 30 days prior to the start of rough grading, the project owner shall submit to the CPM the above referenced program. The project owner shall make the program available to OSHA upon request.	30 days prior to start of rough grading	11/12/2001	6/12/2001	7/27/2001	Complete

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
VIS-5	Before use of the construction laydown area for the power plant, implement the installation of temporary aesthetic screening along the south and east sides and any of the eastern portion of the north side of the construction laydown area that may be visible to travelers on Monterey Road or passenger trains. Install long-term aesthetic screening along the west side of Monterey Road. The temporary aesthetic screening shall remain in place for the duration of the use of the laydown area. Temporary screening shall be high enough to obscure views of most of the lighting, as well as equipment, vehicles, and materials in the area, from the highway, and nearby residences to the south. Immediately upon completion of construction of the project, the temporary aesthetic screening shall be removed and the construction laydown area shall be revegetated and restored to its original condition prior to construction or to an improved condition. (See Condition VIS-5 for requirements)	At least ninety (90) days prior to the start of use of the construction laydown area for the power plant, the project owner shall submit the proposed temporary and long-term aesthetic screening plans to the City of San Jose for review and comment.	90 days prior to start of use of the construction laydown area	11/12/2001	7/27/2001		Submitted, Comments received from the City of San Jose on 7/20/01. Comments on temporary aesthetic screen were incorporated prior to submittal.
VIS-5	Before use of the construction laydown area for the power plant, implement the installation of temporary aesthetic screening along the south and east sides and any of the eastern portion of the north side of the construction laydown area that may be visible to travelers on Monterey Road or passenger trains. Install long-term aesthetic screening along the west side of Monterey Road. The temporary aesthetic screening shall remain in place for the duration of the use of the laydown area. Temporary screening shall be high enough to obscure views of most of the lighting, as well as equipment, vehicles, and materials in the area, from the highway, and nearby residences to the south. Immediately upon completion of construction of the project, the temporary aesthetic screening shall be removed and the construction laydown area shall be revegetated and restored to its original condition prior to construction or to an improved condition. (See Condition VIS-5 for requirements)	At least ninety (90) days prior to the start of use of the construction laydown area for the power plant, the project owner shall submit the proposed temporary and long-term aesthetic screening plans to the CPM for review and approval.	90 days prior to start of use of the construction laydown area	11/12/2001	7/27/2001		Submitted
VIS-7	Immediately following the beginning of construction of the power plant, the project owner shall install aesthetic landscape screening along a portion of Coyote Ranch Road between the power plant and Coyote Ranch in locations that would eventually help screen views from the ranch toward the power plant. Vegetation selected for landscape screening shall consist primarily of plants that are appropriate for and preferably native to the local region and trees that would grow quickly and reach a height of at least 40 ft. (See VIS-7 for reqmts)	At least ninety (90) days prior to the start of construction of the power plant, the project owner shall submit the proposed aesthetic landscape screening plan to the City of San Jose and County of Santa Clara Parks and Recreation Department for review and comment.	90 days prior to start of construction	12/19/2001	6/12/2001		In progress. Waiting for response from County.
VIS-7	Immediately following the beginning of construction of the power plant, the project owner shall install aesthetic landscape screening along a portion of Coyote Ranch Road between the power plant and Coyote Ranch in locations that would eventually help screen views from the ranch toward the power plant. Vegetation selected for landscape screening shall consist primarily of plants that are appropriate for and preferably native to the local region and trees that would grow quickly and reach a height of at least 40 ft. (See VIS-7 for reqmts)	At least ninety (90) days prior to the start of construction of the power plant, the project owner shall submit the proposed aesthetic landscape screening plan to the CPM for review and approval.	90 days prior to start of construction	12/19/2001	6/12/2001		Submitted

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
VIS-9	The power plant shall be designed in a manner that reduces its appearance as an industrial facility and helps visually integrate it with its surroundings. To accomplish these objectives, some elements of the power plant's appearance may need to be changed. Changing appearance elements may be necessary to help better fit the structures and the power plant with the rural visual character of their existing surroundings and the architectural character of probable future buildings in the Campus Industrial Area development, or to achieve another acceptable visual scheme. (See Cond. VIS-9 for other requirements)	At least sixty (60) days prior to the start of architectural treatment for the power plant, the project owner shall submit the proposed architectural design treatment plan to the City of San Jose for review and comment.	60 days prior to start of construction	12/19/2001			In progress
VIS-9	The power plant shall be designed in a manner that reduces its appearance as an industrial facility and helps visually integrate it with its surroundings. To accomplish these objectives, some elements of the power plant's appearance may need to be changed. Changing appearance elements may be necessary to help better fit the structures and the power plant with the rural visual character of their existing surroundings and the architectural character of probable future buildings in the Campus Industrial Area development, or to achieve another acceptable visual scheme. (See Cond. VIS-9 for other requirements)	At least sixty (60) days prior to the start of architectural treatment for the power plant, the project owner shall submit the proposed architectural design treatment plan to the CPM for review and approval. The CPM shall then conduct a public meeting to view the proposed architectural treatment and may, if warranted, establish an advisory committee to provide comment on achieving an acceptable architectural treatment. The review of the Applicant's architectural treatment shall be complete no later than 60 days after it is submitted.	60 days prior to start of construction	12/19/2001			In progress
VIS-10	The power plant shall be operated in a manner that reduces its appearance as an industrial facility and helps visually integrate it with its surroundings. To accomplish these objectives, the power plant shall be designed and operated to minimize visible plumes. The power plant shall be designed and operated to meet the following plume abatement standards: No plume from the HRSG stack during daylight, non-fog, non-rain hours; cooling tower plume shall not be visible for more than a total of 14 hours in any calendar year during daylight, non-fog, non-rain hours (exception plumes created during unplanned outages of plume abatement systems). See Vis-10 for additional detail (including installation of monitoring cameras).	At least sixty (60) days prior to the start of construction of the power plant, the project owner shall submit the proposed plume abatement plan to the City of San Jose for review and comment.	60 days prior to start of construction	12/19/2001	9/6/2001		Complete
VIS-10	The power plant shall be operated in a manner that reduces its appearance as an industrial facility and helps visually integrate it with its surroundings. To accomplish these objectives, the power plant shall be designed and operated to minimize visible plumes. The power plant shall be designed and operated to meet the following plume abatement standards: No plume from the HRSG stack during daylight, non-fog, non-rain hours; cooling tower plume shall not be visible for more than a total of 14 hours in any calendar year during daylight, non-fog, non-rain hours (exception plumes created during unplanned outages of plume abatement systems). See Vis-10 for additional detail (including installation of monitoring cameras).	At least sixty (60) days prior to the start of construction of the power plant, the project owner shall submit the proposed plume abatement plan to the CPM for review and approval.	60 days prior to start of construction	12/19/2001	9/5/2001		Submitted
VIS-12	Prior to commencing construction, the project owner shall contact the owners of property along Blanchard Road and develop, in consultation with the property owners, a plan to screen views of the project from each property if so desired by a property owner. The project owner shall bear the cost of any landscaping/screening developed under this condition.	At least fifteen (15) days prior to commencing project construction, the project owner shall provide to the CPM a report on the landscaping/screening plan, including a list of the property owners contacted. The report shall specify the measures which will be implemented and a schedule for their implementation. The project owner shall notify the CPM when any measures developed with a property owner have been implemented and are ready for inspection.	15 days prior to start of construction	12/19/2001			In progress
VIS-12	Prior to commencing construction, the project owner shall contact the owners of property along Blanchard Road and develop, in consultation with the property owners, a plan to screen views of the project from each property if so desired by a property owner. The project owner shall bear the cost of any landscaping/screening developed under this condition.	The project owner shall notify the CPM when any measures developed with a property owner have been implemented and are ready for inspection.	Required per VIS-12	11/16/2001			In progress

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
CUL-1	Prior to the start of any construction-related vegetation clearance or earth disturbing activities, or project site preparation, the project owner shall provide the California Energy Commission (Commission) Compliance Project Manager (CPM) with the name and statement of qualifications of its designated cultural resource specialist who will be responsible for implementation of all cultural resources Conditions of Certification. The required qualifications and duties of the specialist and the team are given in CUL-1, pg.433	At least 90 days prior to the start of project earth disturbing activities, the project owner shall submit the name and statement of qualifications of its designated cultural resource specialist to the CPM for review and written approval.	90 days prior to start of construction related vegetation clearance or ground disturbing activities or prior to site preparation	11/12/2001	7/26/2001	7/27/2001	Complete
CUL-1	Prior to the start of any construction-related vegetation clearance or earth disturbing activities, or project site preparation, the project owner shall provide the California Energy Commission (Commission) Compliance Project Manager (CPM) with the name and statement of qualifications of its designated cultural resource specialist who will be responsible for implementation of all cultural resources Conditions of Certification. The required qualifications and duties of the specialist and the team are given in CUL-1, pg.433	At least 10 days but no more than 30 days prior to the start of earth disturbing activities, the project owner shall confirm in writing to the CPM that the approved designated cultural resource specialist will be available at the start of construction and is prepared to implement the cultural resource Conditions of Certification.	10-30 days prior to start of construction related vegetation clearance or ground disturbing activities or prior to site preparation	11/12/2001	7/26/2001	9/25/2001	Complete
CUL-2	Prior to the start of earth disturbing activities, the project owner shall provide the designated cultural resource specialist and the CPM with maps and drawings showing the footprint of the power plant and all linear facilities. Maps provided will include the USGS 7.5 minute topographic quadrangle map and a map at an appropriate scale (i.e., 1:2000 or 1" = 200') for plotting individual artifacts. If the designated cultural resource specialist requests enlargements or strip maps for linear facility routes, the project owner shall provide them. In addition, the project owner shall provide a set of these maps and drawings reflecting these changes to the cultural resource specialist and the CPM within five (5) days. Maps shall show the location of all areas where surface disturbance may be associated with project related access roads, and any other project components.	At least seventy-five (75) days prior to the start of earth disturbing activities on the project, the project owner shall provide the designated cultural resource specialist and the CPM with the maps and drawings. Copies of maps or drawings reflecting changes to the footprint of the power plant and/or linear facilities shall be submitted to the cultural resource specialist and the CPM.	75 days prior to start of site preparation	11/12/2001	9/20/2001	11/1/2001	Complete
CUL-3	Prior to the start of project construction, the designated cultural resources specialist shall prepare, and the project owner shall submit to the CPM for review and written approval, a Cultural Resources Monitoring and Mitigation Plan, identifying general and specific measures to minimize potential impacts to sensitive cultural resources. See Pg. 434 for specific plan requirements	At least sixty (60) days prior to the start of project construction related vegetation clearance or earth disturbing activities or project site preparation, the project owner shall provide the Cultural Resources Monitoring and Mitigation Plan, prepared by the designated cultural resource specialist, to the CPM for review and written approval.	60 days prior to start of site preparation	11/12/2001	6/12/2001		Submitted. Revising to incorporate CEC staff's most recent comments.
CUL-4	Prior to the start of construction, the cultural specialist shall prepare an Employee Training Program on potential cultural issues and submit to the CPM for review and written approval. Requirements of the training program are given in CUL-4, pg.436	At least 60 days prior to the start of construction on the project, the project owner shall submit to the CPM for review and written approval, the proposed employee training program, the set of reporting procedures, and the work curtailment procedures that the workers are to follow if previously unknown cultural resources are encountered during construction. The project owner shall provide the name and resume of the individual(s) performing the training.	60 days prior to start of site preparation	11/12/2001	9/20/2001	12/5/2001	Complete

12/10/2001

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
CUL-5	<p>Prior to the start of project construction-related vegetation clearance or earth disturbing activities or project site preparation and throughout the project construction period as needed for all new employees, the project owner shall ensure that the designated cultural resource trainer(s) provide(s) the CPM-approved cultural resources training to all project managers, all construction supervisors, and those workers who operate ground disturbing equipment. The project owner shall ensure that the designated trainer provides the workers with the CPM-approved set of procedures for reporting any sensitive resources that may be discovered during project-related ground disturbance and the work curtailment procedures that the workers are to follow if previously unknown cultural resources are encountered during construction. The original cultural resources training session may be videotaped and shown to employees hired after the project is underway.</p>	<p>Within 7 days after the start of construction the project owner shall provide the CPM with documentation that the designated cultural resources trainer(s) has/have provided to all project managers, construction supervisors, and workers hired before the start of construction the CEC-approved cultural resources training and the set of reporting and work curtailment procedures.</p>	<p>7 days after start of construction related vegetation clearance or ground disturbing activities or prior to site preparation</p>	11/12/2001	9/29/2001		In progress
CUL-6	<p>The designated cultural resource specialist or the specialist's delegated monitor(s) shall have the authority to halt or redirect construction if previously unknown cultural resource sites or materials are encountered during project construction related vegetation clearance or earth disturbing activities or project site preparation. Discovery actions are outlined on pg. 436.</p>	<p>Thirty (30) days prior to the start of project construction-related vegetation clearance or earth disturbing activities and preparation; the project owner shall provide the CPM with a letter confirming that the designated cultural resources specialist and delegated monitor(s) have the authority to halt construction activities in the vicinity of a cultural resource find.</p>	<p>30 days prior to start of construction related vegetation clearance or ground disturbing activities or prior to site preparation</p>	11/12/2001	7/20/2001	8/6/2001	Complete
CUL-7	<p>Prior to the start of project construction related vegetation clearance or earth disturbing activities or project site preparation, and each week throughout project construction, the project owner shall provide the designated cultural resource specialist with a current schedule of anticipated project activity in the following month and a map indicating the area(s) where the construction activities will occur. The designated cultural resource specialist shall consult daily with the project superintendent or construction field manager to confirm the area(s) to be worked on the next day(s).</p>	<p>10 days prior to the start of project construction-related vegetation clearance or earth disturbing activities or project site preparation; and in each Monthly Compliance Report thereafter, the project owner shall provide the CPM with a copy of each weekly schedule of the construction activities. The project owner shall notify the CPM when all ground disturbing activities, including landscaping, are completed.</p>	<p>Start of Construction related vegetation clearance or ground disturbing activities or prior to site preparation</p>	11/12/2001	9/28/2001		Submitted/In progress
CUL-16	<p>Prior to the start of any construction-related vegetation clearance or earth disturbing activities, project site preparation or presence absence testing required in these conditions, the project owner and the designated cultural resources specialist shall consult with Ohlone/Cosumnes Native American tribal representatives to develop an agreement(s) for qualified (as specified in the NAHC Guidelines for Monitoring) monitor(s). The monitor(s) shall be considered a member(s) of the cultural resource team and shall be present during the pre-construction and construction phases of the project whenever cultural resources monitoring activities are conducted.</p>	<p>At least thirty (30) days prior to the start of project-related vegetation clearance or earth disturbing activities or project site preparation, the project owner shall provide the CPM with a copy of all finalized agreements for Native American (Ohlone/Cosumnes) monitor(s). If efforts to obtain the services of qualified Native American monitor(s) prove unsuccessful, the project owner shall immediately inform the CPM who will initiate a resolution process.</p>	<p>30 days prior to start of construction related vegetation clearance or ground disturbing activities or prior to site preparation</p>	11/12/2001	8/8/2001	8/15/2001	Complete

12/10/2001

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
CUL-18	Prior to initial project site mobilization (i.e., placing a trailer on the site with accompanying equipment, utilities and grading) the project owner must comply with Cul-1 and Cul-4 and complete Cul-5 as it pertains to management, supervisors and workers involved in this undertaking. The project owner shall comply with Cul-2 and Cul-3 for the entire project, but this need not be accomplished before the trailer is placed. If cultural resources are discovered, all cultural conditions shall apply. Prior to the initial site mobilization, the designated cultural resource specialist shall examine the area of initial project site mobilization and ensure that there are no cultural resources that may require protection or mitigation.	At least (7) days prior to engaging in the initial project site mobilization defined in this condition, the project owner shall provide the CPM with information authored by the designated cultural resource specialist identifying the area of initial site mobilization. The cultural resource specialist shall indicate the method(s), procedure(s) and date(s) the cultural resource inspection was performed and an explanation of the anticipated project activities. The document will be reviewed and approved by the CPM.	7 days prior to site mobilization	11/12/2001	10/2/2001		In progress
SOCIO-1	The project owner and its contractors and subcontractors shall recruit employees and procure materials and supplies within the City of San Jose and Santa Clara County first unless: to do so will violate federal and/or state statutes the materials and/or supplies are not available; or qualified employees for specific jobs or positions are not available; or there is a reasonable basis to hire someone for a specific position from outside the local area.	At least sixty (60) days prior to the start of earth moving activities, the project owner shall submit to the Energy Commission Compliance Project Manager (CPM) copies of contractor, subcontractor, and vendor solicitations and guidelines stating hiring and procurement requirements and procedures.	60 days prior to start of site preparation	11/12/2001	7/20/2001	8/8/2001	Complete
BIO-1	Construction site and/or ancillary facilities preparation (described as any ground disturbing activity other than Energy Commission approved geotechnical work) shall not begin until an Energy Commission Compliance Project Manager (CPM) approved Designated Biologist is available to be on site. See Cond. BIO-1.	At least 60 days prior to the start of any ground disturbance activities, the project owner shall submit to the CPM for approval, the name, qualifications, address and telephone number of the individual selected by the project owner as the Designated Biologist. If a Designated Biologist is replaced, the information on the proposed replacement, as specified in the condition, must be submitted in writing at least ten working days prior to the termination or release of the preceding Designated Biologist.	60 days prior to start of ground disturbance	11/12/2001	7/23/2001	7/27/2001	Complete
BIO-4	The project owner shall submit to the CPM for review and approval a copy of the final Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) and, once approved, shall implement the measures identified in the plan. See Condition BIO-4 to requirements.	At least 45 days prior to start of any project-related ground disturbance activities, the project owner shall provide the CPM with the final version of the BRMIMP for this project, and the CPM will determine the plans acceptability. The project owner shall notify the CPM five (5) working days before implementing any CPM approved modifications to the BRMIMP.	45 days prior to start of ground disturbance	11/12/2001	7/23/2001	8/30/2001	Complete
BIO-5	RIPARIAN RESTORATION - Prior to the start of any ground disturbance activities, the project owner shall develop the riparian corridor planting plan for inclusion into the Biological Resources Mitigation Implementation and Monitoring Plan. The protocol shall include a thorough discussion of methods, species, and location for plantings; erosion control, criteria for success, a monitoring program, and a reporting requirement. The plan should include an inclusive list of herbicides and application procedures that will be used within the 10-ft area surrounding the fence line. If the CPM determines that the plan requires modification, the project owner shall modify the report based on the CPM's comments.	At least 45 days prior to the start of any ground disturbance activities, the project owner shall provide to the CPM for review and approval the above riparian restoration plan.	45 days prior to start of ground disturbance	11/12/2001	7/23/2001	10/17/2001	Complete
BIO-6	Develop and implement a CPM approved Worker Environmental Awareness Program in which each of its employees, as well as employees of contractors and subcontractors who work on the project site or related facilities during construction and operation, are informed about sensitive biological resources associated with the project. See Condition BIO-6, Pg. 500 for requirements.	At least 60 days prior to the start of rough grading, the project owner shall provide copies of the Worker Environmental Awareness Program and all supporting written materials prepared by the Designated Biologist and the name and qualifications of the person(s) administering the program to the CPM for approval.	60 days prior to start of rough grading	11/12/2001	9/20/01	12/5/2001	Complete
BIO-7	CALIFORNIA DEPARTMENT OF FISH & GAME PERMITS - Prior to start of any streambed disturbance activities, the project owner shall acquire a Streambed Alteration Agreement from CDFG in accordance with Section 1603 of the California Fish and Game Code and implement the permit terms and conditions.	No less than 30 days prior to the start of any streambed alteration disturbances, including horizontal directional drilling, the project owner shall submit to the CPM a copy of the final CDFG Streambed Alteration Agreement. Agreement terms and conditions will be incorporated into the Biological Resources Mitigation Implementation and Monitoring Plan.	30 days prior to start of ground disturbance	11/12/2001			In progress

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BIO-8	U. S. FISH & WILDLIFE SERVICE SECTION 7 BIOLOGICAL OPINION - Prior to the start of any ground disturbance activities, the project owner shall provide a final copy of the U.S. Fish and Wildlife Service Biological Opinion in accordance with Section 7 of the federal Endangered Species Act and incorporate the terms of the biological opinion into the Biological Resources Mitigation Implementation and Monitoring Plan. The project owner will implement the terms and conditions contained in the Biological Opinion.	At least 45 days prior to the start of any project related ground disturbance activities, the project owner shall submit to the CPM a copy of the USFWS Biological Opinion. Permit terms and conditions will be incorporated into the Biological Resources Mitigation Implementation and Monitoring Plan.	45 days prior to start of ground disturbance	11/12/2001	7/23/2001	7/27/2001	Complete
BIO-9	U.S. ARMY CORPS OF ENGINEERS PERMIT - Prior to the start of any streambed alteration, including horizontal drilling activities, the project owner shall provide a final copy of the Nationwide No. 7 permit in accordance with Section 404 of the Clean Water Act. The project owner will implement the terms and conditions contained in the permit.	At least 30 days prior to the start of any streambed alteration, including horizontal drilling activities, the project owner shall submit to the CPM a copy of the Nationwide No. 7 permit. Permit terms and conditions will be incorporated into the Biological Resources Mitigation Implementation and Monitoring Plan.	30 days prior to start of streambed alteration activities	11/12/2001			In progress
BIO-10	HABITAT COMPENSATION - To compensate for impacts to serpentine soils and associated endemic species, the project owner shall provide 116 acres of land on Tulare Hill and 15 acres of land on Coyote Ridge, the name of the entity that will be managing the land in perpetuity, and the endowment funds in the amount determined suitable for the Center for Natural Lands PAR analysis to administer and manage in perpetuity. Each of these must have been pre-approved by CEC staff and USFWS.	Within one week of commencing ground disturbance activities, the project owner must provide to the CPM for approval, the name of the management entity, written verification that the compensation lands have been purchased and written verification that the appropriate endowment fund (determined by the PAR analysis) has been received by the approved management entity.	7 days after start of ground disturbance	11/12/2001			In progress
BIO-11	The applicant, in consultation with the USFWS and Energy Commission staff, will develop a suitable final habitat management and monitoring plan for lands purchased on Tulare Hill (116 acres) and Coyote Ridge (15 acres).	At least 60 days prior to the start of any project-related ground disturbance activities, the project owner shall provide the CPM with the final approved version of the management plan. Once the plan is approved, it shall be incorporated into the BRMMP.	60 days prior to start of ground disturbance	11/12/2001	6/25/2001	7/9/2001	Complete
BIO-13	SITE PREPARATION - Prior to initial project site mobilization (i.e., placing a trailer on site with accompanying equipment, utilities, and grading) the project owner must comply with BIO-1, BIO-2, and BIO-10 and complete BIO-6 as it pertains to management, supervisors, and workers involved in this undertaking. Prior to the initial site mobilization, the designated biologist shall examine the area and ensure no special status species are present.	At least 10 days prior to engaging in the initial project site mobilization defined in this condition, the project owner shall provide the CPM with the location of the initial mobilization site, and the date(s), methods(s), and results of the pre-examination. The document will be reviewed and approved by the CPM.	10 days prior to mobilization	11/12/2001	9/28/2001	10/17/2001	Complete
SOIL & WATER-1	Prior to beginning any clearing, grading, or excavation activities associated with any project element the project owner shall provide a firm commitment for its construction water supply. Disinfected, tertiary-treated, recycled water will be used at the Metcalf Energy Center for cooling purposes and other appropriate non-potable uses (i.e., toilet flushing and equipment washing).	The commitment for the construction water supply shall be submitted to the Energy Commission CPM at least thirty (30) days prior to the start of construction.	30 days prior to start of construction	12/19/2001	12/5/2001		Submitted
SOIL & WATER-2	Prior to beginning any clearing, grading or excavation activities associated with construction of any project element, the project owner shall obtain Energy Commission staff approval for a Storm Water Pollution Prevention Plan (SWPPP) as required under the General Stormwater Construction Activity Permit from the SFBWRQCB for the project.	30 days prior to the start of any clearing, grading or excavation activities associated with the construction of any project element, the project owner will submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) to the Energy Commission Compliance Project Manager (CPM) for review and approval.	30 days prior to start of ground disturbance	11/12/2001	8/31/2001	10/18/2001	Complete for project site
SOIL & WATER-2	Prior to beginning any clearing, grading or excavation activities associated with construction of any project element, the project owner shall obtain Energy Commission staff approval for a Storm Water Pollution Prevention Plan (SWPPP) as required under the General Stormwater Construction Activity Permit from the SFBWRQCB for the project.	Approval of the plan by the Energy Commission CPM must be received prior to the initiation of any clearing, grading or excavation activities associated with construction of any project element.	Start of ground disturbance	11/12/2001	8/31/2001	10/18/2001	Complete for project site
SOIL & WATER-3	Prior to beginning any clearing, grading or excavation activities associated with construction of any project element, the project owner shall obtain approval for a final erosion control and revegetation plan that addresses all project elements. The final plan to be submitted for staff's approval shall contain all the elements of the draft plan with changes made to address any staff comments and the final design of the project.	The erosion control and revegetation plan shall be submitted to the Energy Commission CPM no later than thirty days prior to the scheduled construction start date. Approval of the final plan by the Energy Commission CPM must be received prior to the initiation of any clearing, grading or excavation activities associated with construction of any project element.	30 days prior to start of ground disturbance	11/12/2001		10/18/2001	Complete for project site

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Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
SOIL & WATER-4	Prior to beginning any clearing, grading or excavation activities associated with construction of any project element, the project owner shall obtain SCVWD approval for all activities within floodways or upon or within the banks of watercourses as defined in District Ordinance 83-2.	30 days prior to the start of any clearing, grading or excavation activities associated with the construction of any project element, the project owner will obtain SCVWD approval for all activities within floodways or upon or within the banks of watercourses as defined in District Ordinance 83-2.	30 days prior to start of ground disturbance	11/12/2001	8/31/2001		In progress. Outfall permit submitted.
SOIL & WATER-4	Prior to beginning any clearing, grading or excavation activities associated with construction of any project element, the project owner shall obtain SCVWD approval for all activities within floodways or upon or within the banks of watercourses as defined in District Ordinance 83-2.	30 days prior to the start of any clearing, grading or excavation activities associated with the construction of any project element, the project owner will obtain SCVWD approval for all activities within floodways or upon or within the banks of watercourses as defined in District Ordinance 83-2 and written documentation of this approval shall be submit to the CEC CPM.	30 days prior to start of ground disturbance	11/12/2001	9/27/2001		In progress. Outfall permit submitted.
SOIL & WATER-7	Prior to the initiation of any streambed alteration activities, including horizontal directional drilling associated with any project element, the project owner shall obtain a Section 401 Certification from the San Francisco RWQCB.	No later than 30 days prior to the start of any streambed alteration activities, including horizontal directional drilling associated with any project element, the project owner shall submit to the CEC CPM a copy of the Section 401 Certification from the San Francisco RWQCB for the MEC.	30 days prior to start of streambed alteration activities	11/12/2001			In progress
SOIL & WATER-9	The project owner shall design, construct, and fully fund the portion of the SBWR reclaimed water supply pipeline dedicated to, and essential for, the operation of MEC in accordance with the Conditions of Certification and the project description. Alternatively, the project owner may enter into an agreement for the construction of that portion of the SBWR reclaimed water supply pipeline dedicated to, and essential for, the operation of MEC in accordance with the Conditions of Certification and the project description. The project owner shall establish with the Commission's Compliance Manager specific performance milestones for both the initiation of construction within one year of certification and the construction phase. Before starting construction of any structure that is part of the project, the project owner shall submit evidence demonstrating that the project owner has negotiated or is negotiating one or more agreements to provide waste discharge services and SBWR reclaimed water to the project.	No later than thirty (30) days prior to the construction of any MEC facilities or structures, the project owner shall submit evidence demonstrating that the project owner has negotiated or is negotiating one or more agreements to provide SBWR reclaimed water and waste discharge services to the project.	30 days prior to start of construction	12/19/2001	8/24/2001	10/1/2001	Complete
GEO-1	Prior to the start of construction, the project owner shall assign to the project an engineering geologist(s), certified by the State of California, to carry out the duties required by the 1998 edition of the California Building Code (CBC) Appendix Chapter 33, Section 3309.4. The certified engineering geologist(s) assigned must be approved by the CPM (the functions of the engineering geologist can be performed by the responsible geotechnical engineer, if that person has the appropriate California license).	At least 30 days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of construction, the project owner shall submit to the CPM for approval the name(s) and license number(s) of the certified engineering geologist(s) assigned to the project. The submittal should include a statement that CPM approval is needed. The CPM will approve or disapprove of the engineering geologist(s).	30 days prior to start of construction	12/19/2001	7/27/2001		Submitted
GEO-2	The assigned engineering geologist(s) shall carry out the duties required by the 1998 CBC, Appendix Chapter 33, Section 3309.4 Engineered Grading Requirement, and Section 3318.1 – Final Reports. Those duties are: 1. Prepare the Engineering Geology Report. This report shall accompany the Plans and Specifications when applying to the CBO for the grading permit. 2. Monitor geologic conditions during construction. 3. Prepare the Final Engineering Geology Report. See GEO-2, Pg. 579 for specific requirements	Submit Grading Permit Application	Application for Grading Permit per GEO-2	9/10/2001			Submitted to CBO as part of CIVIL-1 package.

METCALF ENERGY CENTER **CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX**

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
GEO-2	The assigned engineering geologist(s) shall carry out the duties required by the 1998 CBC, Appendix Chapter 33, Section 3309.4 Engineered Grading Requirement, and Section 3318.1 – Final Reports. Those duties are: 1. Prepare the Engineering Geology Report. This report shall accompany the Plans and Specifications when applying to the CBO for the grading permit. 2. Monitor geologic conditions during construction. 3. Prepare the Final Engineering Geology Report. See GEO-2, Pg. 579 for specific requirements	Within 15 days after submittal of the application(s) for grading permit(s) to the CBO, the project owner shall submit a signed statement to the CPM stating that the Engineering Geology Report has been submitted to the CBO as a supplement to the plans and specifications and that the recommendations contained in the report are incorporated into the plans and specifications.	15 days after submittal of application for Grading Permit per GEO-2	9/10/2001			Submitted to CBO as part of CIVIL-1 package.
PAL-1	Prior to the start of any project-related construction activities (defined as any construction-related vegetation clearance, ground disturbance and preparation, and site excavation activities), the project owner shall ensure that the designated paleontological resource specialist approved by the CPM is available for field activities and prepared to implement the conditions of certification. The required qualifications and duties of the specialist are given in PAL-1, Pg. 579.	At least ninety (90) days prior to the start of construction, the project owner shall submit the name and resume and the availability for its designated paleontological resource specialist, to the CPM for review and approval. The CPM shall provide written approval or disapproval of the proposed paleontological resource specialist.	90 days prior to start of construction	11/12/2001	7/26/2001	7/27/2001	Complete
PAL-2	Prepare Paleontologic Resources Monitoring and Mitigation Plan and submit this plan to the CPM for review and approval. After CPM approval, the project owner's designated paleontological resource specialist shall be available to implement the Monitoring and Mitigation Plan, as needed, throughout project construction. Requirements for the Monitoring/Mitigation Plan are given in PAL-2, Pg. 581.	At least sixty (60) days prior to the start of construction on the project, the project owner shall provide the CPM with a copy of the Monitoring and Mitigation Plan prepared by the designated paleontological resource specialist for review and approval. If the plan is not approved, the project owner, the designated paleontological resource specialist, and the CPM shall meet to discuss comments and negotiate necessary changes.	60 days prior to start of construction	12/19/2001	6/12/2001	7/27/2001	Complete
PAL - 3	Employee Training Program - Prior to the start of construction, and throughout the project construction period as needed for all new employees, the project owner and the designated paleontological resource specialist shall prepare and conduct CPM-approved training to all project managers, construction supervisors, and workers who operate ground disturbing equipment. Requirements of the training program are given in PAL-5. The project owner and construction manager shall provide the workers with the CPM-approved set of procedures for reporting any sensitive paleontological resources or deposits that may be discovered during project-related ground disturbance. Refer to PAL 3 for further details.	At least (30) thirty days prior to the start of project construction, the project owner shall submit to the CPM for review, comment, and written approval, the proposed employee training program and the set of reporting procedures the workers are to follow if paleontological resources are encountered during project construction. If the employee training program and set of procedures are not approved, the project owner, the designated paleontological resource specialist, and the CPM shall meet to discuss comments and negotiate necessary changes, before the beginning of construction.	30 days prior to start of construction	12/19/2001	9/20/2001	10/3/2001	Complete
GEN-2	The project owner shall furnish to the CPM and to the CBO a schedule of facility design submittals, a Master Drawing List, and a Master Specifications List. The schedule shall contain a list of proposed submittal packages of designs, calculations, and specifications for major structures and equipment. To facilitate audits by Energy Commission staff, the project owner shall provide specific packages to the CPM when requested.	At least 60 days prior to the start of rough grading, the project owner shall submit the schedule, a Master Drawing List, and a Master Specifications List to the CBO and to the CPM.	60 days prior to start of rough grading	11/12/2001	10/4/2001	10/18/2001	Complete
GEN-4	Prior to the start of rough grading, the project owner shall assign a California registered architect, structural engineer or civil engineer, as a resident engineer (RE), to be in general responsible charge of the project. See responsibilities noted Condition GEN-4.	At least 30 days prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, the name, qualifications and registration number of the RE and any other delegated engineers assigned to the project.	30 days prior to start of rough grading	11/12/2001	8/2/2001	8/7/2001	Complete
GEN-5	Prior to the start of rough grading, the project owner shall assign at least one of each of the following California registered engineers to the project: A) a civil engineer; B) a geotechnical engineer or a civil engineer experienced and knowledgeable in the practice of soils engineering; C) a design engineer, who is either a structural engineer or a civil engineer fully competent and proficient in the design of powerplant structures and equipment supports; D) a mechanical engineer; and E) an electrical engineer. See Condition GEN-5 for tasks	At least 30 days prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, the names, qualifications, and registration numbers of all the responsible engineers assigned to the project.	30 days prior to start of rough grading	11/12/2001	8/16/2001	11/1/2001	Complete

12/10/2001

METCALF ENERGY CENTER **CEC CONDITIONS OF CERTIFICATION SCHEDULE MATRIX**

Condition No.	Requirements & Task Summary	Action required	Event	Required Submittal date	Date submitted to CPM	Date approved by CPM	Status/ Comments
CIVIL-1	Prior to the start of site grading, the project owner shall submit to the CBO for review and approval the following: 1. Design of the proposed drainage structures and the grading plan; 2. An erosion and sedimentation control plan; 3. Related calculations and specifications, signed and stamped by the responsible civil engineer, and 4. Soils report as required by the 1998 CBC, Appendix Chapter 33, section 3309.5, Soils Engineering Report and section 3309.6, Engineering Geology Report.	At least 15 days prior to the start of site grading, the project owner shall submit the documents described above to the CBO for review and approval.	15 days prior to start of rough grading	11/12/2001	8/27/2001		In progress
CIVIL-3	The project owner shall perform inspections in accordance with the 1998 CBC, Chapter 1, Section 108, Inspections, Chapter 17, Section 1701.6, Continuous and Periodic Special Inspection and Appendix Chapter 33, Section 3317, Grading Inspection. All plant site-grading operations shall be subject to inspection by the CBO and the CPM. If, in the course of inspection, it is discovered that the work is not being done in accordance with the approved plans, the discrepancies shall be reported immediately to the resident engineer, the CBO, and the CPM. The project owner shall prepare a written report detailing all discrepancies and non-compliance items, and the proposed corrective action, and send copies to the CBO and the CPM.	The project owner shall perform inspections in accordance with the 1998 CBC, Chapter 1, Section 108, Inspections, Chapter 17, Section 1701.6, Continuous and Periodic Special Inspection and Appendix Chapter 33, Section 3317, Grading Inspection.	Start of Rough Grading	11/12/2001			Not started
Governor's Executive Order No. D-25-01	Milestones, and method of verification must be established and agreed upon by the project owner and the CPM no later than 30 days after project approval, the date of docketing. If this deadline is not met, the CPM will establish the milestones.	ESTABLISH PRE-CONSTRUCTION MILESTONES TO ENABLE START OF CONSTRUCTION WITHIN ONE YEAR OF CERTIFICATION 1. Obtain site control. 2. Obtain financing. 3. Mobilize site. 4. Begin rough grading for permanent structures (start of construction)	Project Certification	10/24/001	10/24/2001	11/19/2001	Complete
Governor's Executive Order No. D-25-01	Milestones, and method of verification must be established and agreed upon by the project owner and the CPM no later than 30 days after project approval, the date of docketing. If this deadline is not met, the CPM will establish the milestones.	ESTABLISH CONSTRUCTION MILESTONES FROM DATE OF START OF CONSTRUCTION 1. Begin pouring major foundation concrete. 2. Begin installation of major equipment. 3. Complete installation of major equipment. 4. Begin gas pipeline construction. 5. Complete gas pipeline interconnection. 6. Begin T-line construction. 7. Complete T-line interconnection. 8. Begin commercial operation.	Project Certification	10/24/2001	10/24/2001	11/19/2001	Complete
US Dep Commerce	The project applicant shall notify the NMFS Santa Rosa office when project construction begins and ends. (horizontal drilling) Prior to commencing construction a compliance matrix addressing only those conditions that must be fulfilled before the start of construction shall be submitted by the project owner to the CPM. This matrix will be included with the project owner's first compliance submittal.	Notify NMFS Construction shall not commence until the pre-construction matrix is submitted, all pre-construction conditions have been complied with, and the CPM has issued a letter to the project owner authorizing construction.	Start of Rough Grading	11/12/2001			Not started
Pre-mob matrix			Start of Construction	12/19/2001	11/14/2001		Complete/in progress

PUBLIC INFORMATION CALL LOG

**METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT #2**

MEC PUBLIC INFORMATION CALL LOG (408) 463-8008 - November 2001

DATE/TIME	NAME & CONTACT	PURPOSE OF CALL/CONTACT	ACTION/RESOLUTION	DATE/TIME OF RESPONSE	MEC REP
11/26/2001 10:52AM	Jim Soule West Steel	Far Requested information on Blanchard Road crossing and plant reinforced concrete steel.	Returned call and said his request would be forwarded to the appropriate person.	11/27/2001 11AM	K. Sipes
11/27/2001 10:31AM	Jeff Chadwick Crest Steel	Requested information on who the subcontractor is that will be handling steel for fabrication.	Returned call and left message asking for more information so his request could be forwarded to the appropriate person. Did not receive call back.	11/27/2001 4PM	K. Sipes
11/29/2001 10:26AM	Rick Lackner Mortenson Co.	M.A. Requested physical address for site.	Returned call and gave him address.	11/29/2001 3PM	K. Sipes

STATUS OF CBO SUBMITTALS

**METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT #2**

STATUS OF CBO SUBMITTALS FOR NOVEMBER 2001

COC Number	Rev	Document Title	Approved/ Comments	Open/ Closed	Date: Comment Ltr	Actual to CBO	CBO Response	CBO Approval
CIVIL-1	0	TECHNICAL SPECIFICATION FOR EARTHWORK, GRADING AND STRUCTURAL BACKFILL		OPEN		10/22/01		
STRUC-1	0	FURNISHING AND DELIVERING READY-MIX CONCRETE		OPEN		10/19/01		
GEN-2	0	CONCRETE WORK		OPEN		10/19/01		
GEN-2	0	EMBEDDED STEEL AND ANCHOR BOLTS		OPEN		10/19/01		
GEN-2	0	PURCHASE AND FABRICATION OF REINFORCING STEEL		OPEN		10/19/01		
STRUC-1	0	CONCRETE AND EARTHWORK TESTING SERVICES		OPEN		10/19/01		
CIVIL-1	0	SITE PLAN	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	SITE PLAN	Approved	CLOSED	N/A	10/15/01	10/31/01	10/26/01
CIVIL-1	0	CONSTRUCTION FACILITIES	Comments	OPEN	9/18/2001	8/27/01		
CIVIL-1	0	PLOT PLAN	Comments	OPEN	10/26/2001	9/18/01		
CIVIL-1	0	STORM WATER PIPING PLAN	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	STORM WATER PIPING PLAN	Comments	OPEN	10/26/2001	10/10/01		
CIVIL-1	0	CLEARING, STRIPPING, AND STOCKPILE PLAN	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	CLEARING, STRIPPING, AND STOCKPILE PLAN	Approved	CLOSED	N/A	10/19/01	10/31/01	10/26/01
CIVIL-1	0	EROSION CONTROL DETAILS	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	EROSION CONTROL DETAILS	Approved	CLOSED	N/A	10/19/01	10/31/01	10/26/01
CIVIL-1	0	DRAINAGE DETAILS	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	DRAINAGE DETAILS	Comments	OPEN	10/26/2001	10/10/01		
CIVIL-1	0	ROUGH GRADING DETAILS	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	ROUGH GRADING DETAILS	Approved	CLOSED	N/A	10/19/01	10/31/01	10/26/01
CIVIL-1	0	DRAINAGE HEADWALL DETAILS	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	DRAINAGE HEADWALL DETAILS	Approved	CLOSED	N/A	10/19/01	10/31/01	10/26/01
CIVIL-1	0	ROUGH GRADING SECTIONS	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	ROUGH GRADING SECTIONS	Approved	CLOSED	N/A	10/19/01	10/31/01	10/26/01

STATUS OF CBO SUBMITTALS FOR NOVEMBER 2001

COC Number	Rev	Document Title	Approved/ Comments	Open/ Closed	Date Comment Ltr	Actual to CBO	CBO Response	CBO Approval
CIVIL-1	0	RETAINING WALL PLAN, PROFILE AND DETAILS	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	RETAINING WALL PLAN, PROFILE AND DETAILS	Comments	OPEN	10/26/2001	10/10/01		
CIVIL-1	0	ROUGH GRADING PLAN PHASE 1	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	ROUGH GRADING PLAN PHASE 1	Approved	CLOSED	N/A	10/15/01	10/31/01	10/26/01
CIVIL-1	2	ROUGH GRADING PLAN PHASE 1	Approved	CLOSED	N/A	10/19/01	10/31/01	10/26/01
CIVIL-1	3	ROUGH GRADING PLAN PHASE 1		OPEN		10/25/01		
CIVIL-1	0	ROUGH GRADING PLAN PHASE 2	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	ROUGH GRADING PLAN PHASE 2	Approved	CLOSED	N/A	10/19/01	10/31/01	10/26/01
CIVIL-1	0	MAIN ACCESS ROAD PLAN AND PROFILE	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	MAIN ACCESS ROAD PLAN AND PROFILE	Approved	CLOSED	N/A	10/19/01	10/31/01	10/26/01
CIVIL-1	0	RAILROAD PLAN AND PROFILE	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	RAILROAD PLAN AND PROFILE	Approved	CLOSED	N/A	10/19/01	10/31/01	10/26/01
CIVIL-1	0	DESIGN OF REINFORCED CONCRETE RETAINING WALL	Comments	OPEN	10/26/2001	10/10/01		
CIVIL-1	1	EROSION AND SEDIMENT CONTROL AND STORM WATER MANAGEMENT PLAN	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	2	EROSION AND SEDIMENT CONTROL AND STORM WATER MANAGEMENT PLAN	Approved	CLOSED	N/A	10/19/01	10/31/01	10/26/01
CIVIL-1	0	ENGINEERING GEOLOGY REPORT	Comments	OPEN	9/18/2001	8/27/01		
CIVIL-1	0	PRELIMINARY STORM WATER MANAGEMENT BASIN SIZING CALCULATION	Comments	OPEN	9/18/2001	8/27/01		
CIVIL-1	0	STORM DRAIN SYSTEM DESIGN	Comments	CLOSED	9/18/2001	8/27/01		
CIVIL-1	1	STORM DRAIN SYSTEM DESIGN	Comments	OPEN	10/26/2001	10/10/01		
CIVIL-1	0	SUBSURFACE INVESTIGATION AND FOUNDATION REPORT	Comments	OPEN	9/18/2001	8/27/01		
MECH-1	B	P&ID FIRE PROTECTION SYSTEM		OPEN		10/31/01		
MECH-1	B	P&ID FIRE PROTECTION SYSTEM		OPEN		10/31/01		

STATUS OF CBO SUBMITTALS FOR NOVEMBER 2001

COC Number	Rev	Document Title	Approved/ Comments	Open/ Closed	Date: Comment Ltr	Actual to CBO	CBO Response	CBO Approval
MECH-1	B	P&ID DOMESTIC WATER SYSTEM		OPEN		10/31/01		
MECH-1		P&ID SANITARY WASTE SYSTEM						
MECH-1	1	P&ID SYMBOLS AND LEGENDS		OPEN		10/31/01		
MECH-1	1	P&ID SYMBOLS AND LEGENDS		OPEN		10/31/01		
MECH-1	1	P&ID SYMBOLS AND LEGENDS		OPEN		10/31/01		
MECH-1	1	P&ID SYMBOLS AND LEGENDS		OPEN		10/31/01		
MECH-1	1	P&ID SYMBOLS AND LEGENDS		OPEN		10/31/01		
GEN-2	1	BECHTEL CBO SUBMITTAL LIST		OPEN		10/31/01		
GEN-2		BECHTEL CBO SUBMITTAL LIST	Comments	CLOSED	10/16/2001	9/28/01		
GEN-2		PROPOSED LIST OF DOCUMENTS FOR THE CTG, STG, AND CONDENSER EQUIPMENT FOR SIEMENS WESTINGHOUSE	Comments	OPEN	9/28/2001	9/13/01		
GEN-5		BIOLOGICAL SUMMARY AND ACCREDITATION OF Mr. JAMES THOMPSON FOR SIEMENS- WESTINGHOUSE	Approved	CLOSED	N/A	9/5/01	9/28/01	9/28/01
CIVIL-1		MR. KIT YIN NG, RPE CIVIL DRAINING/ERSION CONTROL	Approved	CLOSED		8/3/01	8/7/01	8/7/01
GEN-4		MR. ARTHUR B. BUTIC, RESIDENT CIVIL ENGINEER	Approved	CLOSED		8/1/01	8/7/01	8/7/01
GEN-5		MR. THOMAS FRANKERT, CIVIL ENGINEER	Approved	CLOSED		8/1/01	8/7/01	8/7/01
GEN-5		MR. MAHANDRA R. GANDHI, ELECTRICAL ENGINEER	Approved	CLOSED		8/1/01	8/7/01	8/7/01
GEN-5		MR. DEV CHATTOPADHYAY, MECHANICAL ENGINEER	Approved	CLOSED		8/1/01	8/7/01	8/7/01
GEN-5		MR. IGNACIO ARRANGO'S RESUME, GEO TECH ENGINEER	Approved	CLOSED	N/A	9/4/01	10/11/01	9/28/01
GEN-6		MR. DAVID GRAY'S RESUME FOR SIEMENS WESTINGHOUSE	Approved	CLOSED	N/A	9/4/01	9/28/01	9/28/01
GEN-6		MR. JOHN NELSON AND ROMAN REYES, CIVIL ENGINEER RESUMES	Approved	OPEN	N/A	9/28/01	10/11/01	9/28/01